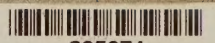


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ACCOUNTS AND PAPERS:

FOURTEEN VOLUMES.

— (3.) —

RELATING TO

COLONIES; MALTA;

&c.

Session

4 February—20 August 1836.

VOL. XXXIX.

1836.





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ACCOUNTS AND PAPERS:

1836.

FOURTEEN VOLUMES:—CONTENTS OF THE

THIRD VOLUME.

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CANADAS.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 14 March 1836;—for,

COPY of the INSTRUCTIONS given to the Earl of Gosford, and the Commissioners appointed to inquire into the GRIEVANCES complained of in *Lower Canada*:—also, COPY of the INSTRUCTIONS given to Sir F. B. Head, Lieutenant-Governor of *Upper Canada*.

(Sir George Grey.)

Colonial Office, Downing-street, }
17 March 1836.

GEO. GREY.

Ordered, by The House of Commons, to be Printed,
22 March 1836.

[Price 8d.]

SCHEDULE.

- No. 1.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, the Right Hon. Sir C. E. Grey and Sir G. Gipps, His Majesty's Commissioners of Inquiry in Lower Canada, dated Downing-street, 17 July 1835 (with Enclosures) - - p. 3
- No. 2.—Ditto - - ditto, dated Downing-street, 17 July 1835 - - - - p. 43
- No. 3.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 17 July 1835 - - - - - p. 45
- No. 4.—Ditto - - ditto, dated Downing-street, 18 July 1835 (with Enclosure) - p. 53
- No. 5.—Copy of a Despatch from Lord Glenelg to Sir F. B. Head, dated Downing-street, 5 December 1835 - - - - - p. 54

COPY of the INSTRUCTIONS given to the Earl of Gosford, and the Commissioners appointed to inquire into the GRIEVANCES complained of in *Lower Canada*:—also, COPY of the INSTRUCTIONS given to Sir F. B. Head, Lieutenant-Governor of *Upper Canada*.

— No. 1. —

COPY of a DESPATCH from Lord Glenelg to the Earl of Gosford, the Right Hon. Sir C. E. Grey and Sir G. Gipps, His Majesty's Commissioners of Inquiry in *Lower Canada*.

No. 1.
Despatch from Lord Glenelg to Commissioners of Inquiry,
17 July 1835.

My Lord and Gentlemen,

Downing-street, 17 July 1835.

1. I HAVE the honour of transmitting to you a Commission under the Great Seal, by which the King has been pleased to appoint you to be His Majesty's Commissioners of Inquiry in the Province of Lower Canada.

2. In obedience to His Majesty's commands, I now proceed to put you in possession of the instructions by which it is His Majesty's pleasure that you should be guided in the discharge of the trust committed to you. The personal acquaintance which His Majesty possesses with the important part of his dominions in which your inquiries are to be prosecuted, and the peculiar interest which he has ever felt in the prosperity of the inhabitants of Lower Canada, have induced the King to bestow upon the mission with which he has pleased to entrust you a more than common measure of his attention.

3. A correct acquaintance with the history of Lower Canada, especially during the last 20 years, is indispensable to the accomplishment of the duties with which you are charged. I do not, however, propose to engage in any consecutive review, far less in any narration of past events. Such an addition to the length of my present communication would be at once inconvenient and unnecessary.

4. From documents, which will be accessible to you both in this country and in Lower Canada, you will be able to elicit the most ample information respecting all occurrences, explanatory or illustrative of the following instructions. I would especially refer you to the Journals of the Legislative Council and of the House of Assembly, and the many valuable Reports constituting the Annual Supplement to those volumes; to the Reports of the House of Commons' Committees on Canadian Affairs in 1828 and 1834; to the evidence taken before the former of those Committees, and to the correspondence between my predecessors in this department and the successive governors of the province. In the following pages, a familiarity with all the more important facts to be collected from this series of documents is presupposed. I have the honour herewith to enclose, for your information, copies of various documents connected with this subject, of which you might not be able readily to procure transcripts in the province, and of which a list will be found in the margin.

5. Before I approach more closely to the discussion of the questions which will principally engage your attention, it is necessary that I should explain the motives by which His Majesty has been induced to issue the commission which you are about to execute.

6. The dissensions which commenced in Lower Canada in the year 1820, have since that time, with some transient intermissions, been continually increasing in violence and animosity. They have at length advanced to such a height as not only to invade the peace of society, but nearly to paralyse the activity of the executive government, threatening with the most fatal confusion a country exempt beyond the common lot of nations from the influence of the ordinary causes of social evil.

7. This state of affairs in a portion of the King's dominions so valuable, and otherwise so prosperous, has engaged His Majesty's most anxious and deliberate attention. To heal the disorders by which the province is distracted, and to

- No. 1. Petition from the Inhabitants of Lower Canada, 5 Feb. 1835.
- No. 2. Ditto, District of Montreal, 1835.
- No. 3. Ditto, House of Assembly of Lower Canada to the House of Commons, Dec. 1834.
Report of a Committee of the House of Commons on Canada, 1828.—*Vide* Parliamentary Papers, No. 569, Session 1828.
Ditto ditto, 1834.—*Vide* Parl. Papers, No. 449, Session 1834.
- No. 4. Letter from Mr. Neilson, 17 June 1835.
- No. 5. Ditto ditto, 10 July 1835.
- No. 6. Ditto Mr. Walker, 17 June 1835.
- No. 7. Minute, No. 2, in Lord Aberdeen's Despatch to Lord Amherst, of 2 April 1835.

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restore internal peace and union, it has appeared to His Majesty necessary to adopt some well-digested and comprehensive plan of adjustment. But the foundation of such a plan must be laid in a complete knowledge of the condition of the people in all its bearings, moral, social and political.

8. Notwithstanding the variety and amount of the intelligence on this subject which has been collected during the last few years, there is yet a deficiency of adequate information upon many questions of the greatest moment to the correct apprehension of the state of Canadian affairs. The seven years which have elapsed since the first Parliamentary Report have given birth to numerous changes, to new wants, new interests, and new combinations of interests. The very removal of some grievances has, in some instances, aggravated those which remain, or altered their relation to each other. The general balance of society has also been constantly and rapidly affected by the infusion of new masses of inhabitants, bringing with them new views and prepossessions. In order to appreciate the actual wants and wishes of a country developing its resources and undergoing internal changes with such extreme rapidity, it is necessary that a new and careful survey should be made, by impartial and intelligent observers, of the state and prospects of society in the province. The crisis cannot be met by effective measures, unless those measures be founded on the results of such an inquiry. His Majesty has been induced to sanction your mission to Lower Canada, in the hope that you will be able to conduct this investigation to a satisfactory and successful issue.

9. It is His Majesty's earnest injunction, that in the discharge of this duty you avail yourselves of every opportunity to impress the minds of the people of Lower Canada with a just sense of the warmth and honesty of feeling with which their interests are regarded by all orders of society in this kingdom; that you consult with equal kindness the claims and wishes of every class of His Majesty's Canadian subjects; and that by applying to the consideration of every question which shall come before you the maxims of an enlightened policy, you endeavour to unite the inhabitants of the province in mutual concord, and to strengthen the bonds by which they are connected with the other members of the British empire.

10. Proceeding in this spirit to Lower Canada, you will there make universally known His Majesty's deep solicitude to redress, to the utmost extent of his lawful authority, every real grievance under which his Canadian subjects may labour. You will listen with the most respectful attention to every complaint, and investigate by all accessible evidence, oral or documentary, the merits of every question which shall be brought before you. You will ascertain by personal inspection what are the real points in which, in practice, the existing system presses most severely; and in consultation with each other, you will mature such plans as may appear to you best adapted to place the affairs of the province on a permanent basis of order and of well-regulated liberty.

11. His Majesty has thought it proper that the Commission should consist of more than one member, because the proposed range of inquiry will embrace so many topics, legislative, judicial, fiscal, moral and social, that it is not to be imagined that the studies or previous habits of any single mind, however gifted, would be sufficient to compass them all.

12. With the actual administration of the provincial government the Commissioners, as such, will have no concern. Although the Earl of Gosford, the Governor-general of all His Majesty's Colonies in British North America, has been placed at the head of the Commission, his Lordship's functions as Commissioner are totally distinct from those which he will discharge as head of the government. The duty of the Commissioners is limited, with the utmost strictness, to inquiry, to mutual deliberations, and to reporting, for His Majesty's information, the conclusions which they may be led to adopt. The Governor will alone exercise the powers which have been vested in his predecessors under the Constitutional Act of 1791.

13. But although your duty as Commissioners be exclusively to inquire, to deliberate, and to report; yet, within the sphere of that duty you are placed under no restrictions, excepting such as the necessity of the case or your own judgment may prescribe. You will lay before His Majesty a faithful statement of all matters entrusted to your investigation, and of your matured sentiments regarding them. It will then remain for the King, on the advice of his confidential servants, to determine on the course of action to be pursued. Your counsels and those measures will have for their common object the advancement of the welfare and prosperity

prosperity of Lower Canada by all methods compatible with the integrity of the empire, and with the authority of the King as supreme in all parts of the British dominions.

14. You will ever bear in mind that you are sent on a mission of peace and conciliation. You will therefore proceed in a spirit not of distrust, but of confidence; remembering that much of your success will depend, not only on the zeal, ability and fairness of your inquiries; but also on your perfect separation from all local and party disputes, and on the unquestionable frankness and impartiality of your general conduct.

15. I must not omit to observe, that the legislature of Lower Canada must ultimately be the instrument through which any benefits resulting from your mission must, to a very great extent, be accomplished. His Majesty disclaims the intention of provoking any unnecessary Parliamentary interference in the internal affairs of the province. To mediate between adverse parties, with an entire respect for the constitutional rights common to them all, is the high office appropriate to his Royal station, and this function the King, aided by your inquiries and advice, is anxious on the present occasion to perform.

16. With these preliminary remarks on the motives in which your mission has originated, and on the spirit in which your duties as Commissioners are to be discharged, I proceed to advert to some of the more prominent subjects of claim and complaint on the part of the House of Assembly.

17. Among the most pressing of these is the Financial Question which has given rise to so protracted a controversy.

18. After the several gradations through which this question has passed, it has at length assumed the following shape:—As representatives of the people of Lower Canada, the House of Assembly claim the right of appropriating to the public service, according to their own discretion, the whole of the revenues of the Crown accruing within the province. The claim extends to the proceeds of all Parliamentary and provincial statutes, whatever may have been the original conditions of these grants; to the funds drawn from the sale of timber and of the waste lands of the Crown; to all fines and forfeitures; and to the income derived from the Seigniorial rights inherited by the King from his royal predecessors. In fine, the authority of the local legislature over the income and expenditure of the province is declared to be so extensive as to embrace every part of that receipt and outlay, and so inalienable as to supersede even the concessions deliberately made in preceding times by the former representatives of the Canadian people.

19. Without pausing to discuss the great constitutional questions which these claims involve, I content myself with referring to the undoubted fact, that the Kings of England have at all times been, in right of their Crown, in possession of certain sources of revenue peculiarly their own, and of which they could not be divested, except by their own consent. In modern times, as is well known, the control of Parliament over this revenue in these kingdoms has been established on the accession of each Sovereign to the Throne, by a solemn compact made between the Crown and the Houses of Lords and Commons. If, therefore, the King were disposed to insist upon positive law, ancient practice, or constitutional analogy, His Majesty might readily vindicate his right to dispose of the territorial, hereditary and casual revenue of the Crown arising in Lower Canada, towards the maintenance of the civil government in that part of his dominions. But anxious to render his reign a blessing to his Canadian subjects, His Majesty is prepared to decline taking this ground, and to refer the decision of the question to the single test of the advantage or disadvantage to the province, with which the proposed cession would be attended. It would be difficult to imagine any pecuniary sacrifice which would not be wisely incurred in purchasing a peaceful settlement of the dissensions of the last fifteen years.

20. If pecuniary interests alone were at stake, the King would not hesitate to make this cession permanently and without conditions. They must ill indeed have understood the character and policy of the British Government, who may have supposed that the peace and well-being of this great empire, has been put to hazard in a prolonged contest with the most valuable of its foreign dependencies, for the sake of a sum of money so insignificant, as to be scarcely perceptible in the financial operations of Great Britain, and of no considerable moment even in those of Lower Canada. During the progress of this controversy, there have been expended by Parliament, for objects altogether Canadian, sums, compared with which, the utmost demand that has been made on the liberality of the House of

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Assembly, for the support of the executive government of the province, is altogether trivial. The real importance of connecting the surrender of the hereditary and territorial revenue with some reservation or conditions for the support of the civil government, and for the administration of justice, rests upon grounds far higher than any which could be brought to a pecuniary measurement. There are objects essential, as it would seem, to the welfare of His Majesty's Canadian subjects, which could not probably be secured if that surrender were made unconditionally. In this view of the question, His Majesty is bound not to relinquish the appropriation of funds which the law and the constitution have placed at his disposal, without making a stipulation suggested exclusively by his care for the common benefit of his people.

21. Amongst the foremost of the objects which His Majesty is thus bound to rescue from a precarious support, are the independence of the judges and the pure administration of the law. From the commencement of his reign, it has been the constant and persevering effort of His Majesty to render the judges of the Superior Courts in Lower Canada independent alike of the Crown for the tenure of their offices, and of the representatives of the people for their annual emoluments. In the various documents already noticed you will find the history of those attempts, and a full explanation of the causes to which their failure is to be ascribed. Yet a review of the Journals of the Assembly will, I think, convince you that between that House and His Majesty's Government no real, or at least no irreconcilable, difference of opinion exists on this subject. On the contrary, you will find, that respecting the general principles on which we must proceed, a perfect unanimity has prevailed. It is fully admitted that the judges ought to hold their offices not at the pleasure of the King, but during good behaviour, and that their official incomes should be paid, not at the pleasure of the popular branch of the legislature, but from adequate funds to be irrevocably pledged for that purpose.

22. This, then, will be one of the subjects of your earliest inquiry; and you will endeavour to suggest the plan of a law, in which there may be good ground to anticipate the concurrence of the House of Assembly, for the securing of judicial independence. If this can be effected, one of the chief difficulties which might otherwise obstruct the cession of the revenues, would be overcome.

23. The regard which it is His Majesty's duty to maintain for the welfare of the people of Lower Canada, appears to forbid a surrender of the revenues of the Crown in that province to the appropriation of the legislature, unless some condition be further made for the support of the executive government by an adequate civil list.

24. I pass over, without any direct notice, the grounds on which the contending parties in the province have, on the one hand, urged the necessity of such a stipulation, and, on the other hand, denied that it could be safely or constitutionally admitted. You will readily learn from various public documents, which will be pressed upon your attention, in the province itself, what are the arguments to which I refer. I cannot, however, abstain from recording in this place, the principal considerations which appear to make it necessary, that the concession about to be made to the provincial legislature should be qualified by the demand of a proper civil list.

25. A constant altercation between the House of Assembly and the executive government, on the subject of the official emoluments of the chief officers of the Crown, would be derogatory to the character of those officers, and especially of the Governor, representing the person and clothed with the delegated prerogatives of the King. The tendency of such controversies would unavoidably be, to induce a dis-esteem for those functionaries, by exhibiting them in the light of pensioners on the reluctant bounty of the representatives of the people; although the common welfare of society evidently requires that they should rather be respected as the ministers of the King; exercising, under a just responsibility indeed, but yet with freedom and independence, the powers confided to them for the public good.

26. The continued agitation of a subject so capable of being placed in an invidious light, could scarcely be compatible with the tranquil and steady progress of those most important branches of the public business, with which the higher functionaries of the government are charged. It would also be directly injurious to them, and therefore to the society at the head of which they are placed, thus to give an habitual and offensive prominence to the remuneration they were receiving, and in the same degree to divert public attention from the services by which that pecuniary reward was earned.

27. The security which the Governor and his principal officers would derive from the grant of a civil list, would strengthen the connexion subsisting between Canada and the other members of the British empire. It would be a distinct recognition of the principle, that the administration of the affairs of the province, by a Governor and officers appointed by the King, is a substantive and essential part of the provincial constitution. To debate from year to year whether grants shall or shall not be made for the support of such functionaries, might almost seem to involve a tacit assumption, that the existence of such offices was itself a question open to annual revision. In so remote a part of His Majesty's dominions, it is especially necessary that the Royal authority, as represented by His Majesty's officers, should be most distinctly admitted as one of the component and inseparable principles of the social system.

28. Nor are the motives by which the independence of the judges has been recommended by the King, and admitted by the Assembly, inapplicable to the case of the principal officers of the local government. They have frequently unpopular duties to perform; they are not seldom called to oppose the passions and emotions of the day; and, for the permanent well-being of society, to brave the displeasure of the popular leaders. They should therefore be raised above all influence, and all suspicion of influence, of unworthy fear or favour. The interests of freedom and of good government require that those upon whose firmness and constancy the maintenance of order and the authority of the laws mainly depend, should not be looking for their subsistence to the favour of a body, which necessarily reflects most of the fluctuating movements of the public mind.

29. Such are the principle motives which induce me to conclude that the King could not consistently with the interests of his Canadian subjects, relinquish, except in return for an adequate civil list, the control which His Majesty at present exercises over the hereditary and territorial revenue.

30. It will be for you to consider and report, what ought to be the precise terms of this stipulation. A temporary cession of the revenue, in return for a provision for the chief public officers of the province for a corresponding period, would be the most satisfactory arrangement. In the rapid progress of settlement in the Canadian provinces, a few years will probably be productive of changes, demanding a corresponding alteration in the terms of any adjustment concluded at the present period; and a decennial revision of the compact now to be made, would seem best calculated to secure those public benefits, and avert those public evils, by the hope or fear of which the compact itself is recommended.

31. If however a temporary settlement, to be renewed from time to time, should prove impracticable, or upon a closer consideration of the subject should seem to you inexpedient, you will then consider in what manner the inconveniences inseparable from the permanent adjustment of such a question can be most effectually mitigated or avoided.

32. Respecting the amount of the civil list to be demanded, the very moderate proposal of the Earl of Ripon might perhaps be taken as the basis. But as his Lordship proposed to retain for the Crown, the control of the territorial and hereditary revenue, it would be in perfect consistency with his principle to advance beyond the limit of his demands. It will be for you to consider what part of the public revenue ought thus to be withdrawn from the annual appropriation of the provincial legislature. In attempting to draw this line, you will judge what are those services in the performance of which the common good requires that the officers of the Crown should be elevated above the reach of popular prepossessions and prejudices. Other considerations will probably claim a place in deciding on the amount of the civil list to be demanded; but to maintain the proper freedom of action in the chief organs of the executive government, will be the principal object to be borne in view.

33. The opponents of the claims preferred by the House of Assembly to the control of the territorial revenue insist, with peculiar emphasis, that the necessary effect of yielding to this claim would be, to transfer from the executive government to the popular branch of the legislature the management of the uncleared territory, asserting that the assumption of this duty by the House of Assembly would be most injurious to the agricultural and financial interests of Lower Canada.

34. Were the right of appropriating the revenue arising from the Crown lands, and the charge of their management indissolubly connected, I should admit this reasoning to be correct. The objections to the combination in the same hands of a large share of the legislative power with so important a branch of the executive authority,

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authority, are too obvious to escape your notice ; and I therefore may, without inconvenience, abstain from a particular explanation of them. It may be sufficient to say, that His Majesty's confidential advisers regard as conclusive and unanswerable, the objections which are made to confiding the management of the uncleared territory of Lower Canada to either or to both of the Houses of General Assembly, or to persons appointed by them and subject to their control.

35. In the distribution of the different powers of the State, the office of settling and alienating the uncleared territory properly belongs to the executive government.

36. It is competent to the legislature upon this as upon other subjects to lay down general rules for the guidance of the executive authorities ; or either branch of the legislature may separately offer its advice to the Crown as to the policy and system of management which it thinks should be pursued ; but the practical application of such general rules, and the charge of carrying into effect the system of management which may be approved, are functions so strictly of an executive and administrative character, that they can only be properly discharged by those in whose hands all similar powers are lodged by the constitution. Nor am I aware of any ground on which a surrender of that trust could be properly required from His Majesty, or which would justify the resignation of it by the King.

37. Wishing to meet the whole subject frankly and without reserve, I am not disposed to deny, that at a period which perhaps can hardly be called remote, large grants of land were improvidently made to persons who had no legitimate title to that advantage ; but this I believe to have been the necessary consequence of a system of management which, though faulty in itself, was consonant with opinions prevalent at the time of its establishment ; and I am entitled, on behalf of the executive government, as administered by Lord Ripon and by his Lordship's successors, to assert, that they gave conclusive evidence both of the disposition to originate, and of the ability to effect, a complete reform in this department of the public service. Lord Ripon took the most effectual security against the recurrence of such abuses, by establishing the rule, that no waste lands should be disposed of except by public auction, and at such an upset price as should effectually prevent fictitious sales. I am aware that complaint has been made of the infringement of this rule ; but after the most careful search into all the documents within my reach, I am able to declare that I find no evidence of a solitary deviation from it. The cases mentioned as exceptions, are all to be explained by the same simple statement. Persons who, before the date of Lord Ripon's regulations, had entered into contracts, or had received from the government promises for the grant of lands upon different terms, insisted afterwards on their earlier titles ; against which, of course, it would have been unjust to plead a subsequent and retrospective rule.

38. But while claiming for His Majesty, and for the public officers appointed by him, the right and duty to regulate the settlement and alienation of the wild lands of the Crown, I am not only ready, but anxious that every proper security should be taken for the intelligent, faithful, and punctual execution of that duty ; nor does it seem to me that it would necessarily be incompatible with these objects, to place the territorial revenue at the disposal of the legislature.

39. In considering this subject, it will be, in the first place, necessary to determine the principles upon which the uncleared territory could be most advantageously brought into settlement. This inquiry has engaged the serious attention both of speculative observers and of persons practically engaged in such affairs. Lord Ripon evidently devoted to it much time and thought ; and his Instructions to Lord Aylmer on this head rest on principles which certainly underwent a very close investigation. Aware, as I am, how many are the sources of error to which speculations of this kind are liable, and how necessary it is for the correction of such fallacies, to possess an intimate acquaintance with the scene in which such abstract principles are reduced to practice, I express my concurrence in the general views of my predecessor, with the same self-distrust by which he appears to have been actuated. It was under the influence of that feeling, as well as from respect for the local authorities, that Lord Ripon took the wise course of soliciting the advice of the House of Assembly for the guidance of the local government in maturing his scheme, and in the discharge of the duties connected with it. The House has not, as yet, acted on that request.

40. This silence may, I trust, be understood to imply an approbation of the system so fully explained by Lord Ripon ; but as it is of the greatest importance that

that some permanent rules should be prescribed upon this subject, which cannot with propriety be left to the arbitrary discretion of any functionaries, however eminent in character or station, it will be part of your duty to inquire and ascertain what are the principles and the rules which could be most conveniently adopted for this purpose. The existing regulations, if not perfect, seem at least sufficiently accurate to form the basis of a legislative enactment on the subject. You will, however, have an opportunity of learning how far Lord Ripon's plan has really been productive of the beneficial effects which his Lordship anticipated, and how far any unforeseen difficulties may have embarrassed its operation. You will thus be enabled to judge to what extent it may demand or admit of amendment.

41. But it will be necessary not merely to determine the general system of management which should be adopted, but likewise to provide adequate machinery by which that system may be practically applied. In your inquiries upon this head, your attention will naturally be drawn to the course of proceeding followed in this country, in a case which, however distinguishable, is not dissimilar from that of the management of the wild lands in Lower Canada. The land revenue of the Crown in England, is placed under the direction of a Board, of which all the members are appointed by the King.

42. The Commissioners of Woods and Forests, under the direction of the Treasury, receive the rents and profits which arise from the estates of the Crown; apply such portions of the receipts, as in their discretion they think expedient, in the improvement of the property, and in defraying the various expenses of management; and transfer the balance which may remain to the public account, under the compact entered into at the commencement of the reign. As a check upon any abuse in the discharge of these duties, and more especially in the application out of the gross revenue of the sums required for the management and improvement of the estates, the Board is placed under the obligation of presenting, annually, to both Houses of Parliament a full report of its proceedings, including an account, in detail, of all receipts and disbursements within the preceding year.

43. You will consider whether any obstacles exist to the adoption, in Lower Canada, of a similar arrangement, which, if practicable, would remove the principal difficulty in making over to the legislature the right of appropriating the territorial revenue, by securing to the executive government that free action in the management of the wild lands of the Crown which it is absolutely essential to preserve.

44. It remains to notice one other topic, which must be considered in connection with the proposed financial arrangements. The cession of the hereditary and territorial revenue to the appropriation of the provincial legislature, would deprive the King of the means of paying the pensions and compensation allowances which have been charged upon that fund, in the exercise of His Majesty's lawful and undoubted authority. It is almost superfluous to say, that any violation of the pledged faith of the Crown cannot, in the prospect of any advantage whatever, be admitted even as the subject of debate. The total charge under this head is of no formidable amount; and, as far as I can ascertain, there is no single case in which such a grant has been charged upon the Crown revenues of the province, without a substantial and adequate ground of personal desert or public policy.

45. You will ascertain what are all the liabilities to which this revenue is legally subject. His Majesty will not consent to abandon the cause of any claimant whose title may rest upon a legal foundation. No plan of surrendering to the provincial legislature the appropriation of these funds will be submitted by yourselves to the King, or proposed by His Majesty to the Assembly, which does not comprise, as an essential part of its basis, the maintenance of such legal titles.

46. I will not allow myself to suppose that, on this subject, any difference of opinion can arise between the executive government and the representatives of the Canadian people. The charge for pensions and compensation allowances will be continually diminishing; nor will it be forgotten that, by the proposed arrangement, His Majesty would surrender the exercise of the most grateful of the Royal functions, reserving to himself no funds for the reward of merit, however distinguished, but devolving entirely on the local legislature, the means of dispensing public favour, and of testifying public gratitude. But although His Majesty abstains from demanding a control over any part of the revenue of the province, for the purpose either of relieving faithful public servants when labouring under the pressure of old age or sickness, and incapable of performing their accustomed duties, or even of rewarding eminent merit, yet, as often as such cases may arise,

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His Majesty will lay his commands on the Governors of the province to prefer the claims of such persons to the justice and liberality of the House of Assembly. Nor does His Majesty doubt that to such applications the representatives of the people of Lower Canada will accord a cheerful assent.

47. I have now enumerated the various subjects which, I think, may fairly enter as conditions into any arrangement for the cession of the Crown revenue. They are, the independence of the judges; the settlement of a civil list; the management of the waste lands; and the continuance of existing pensions. If on these topics a satisfactory adjustment can be made, I am not aware that there will remain any further difficulty in the way of a compliance with the wishes of the House of Assembly on the subject of the appropriation of the provincial revenues.

48. I am not, however, insensible to the danger of overlooking, at this distance from the scene, some conditions which, on closer observation, it might seem necessary to embrace in the final settlement of a plan, at once so comprehensive and so important to the best interests of the province. During your residence in Lower Canada, some topics kindred to those to which I have adverted may present themselves to your notice; and you will not exclude from your consideration any question which may appear to you to have a material bearing on the decision to be ultimately adopted by the King. To place the financial affairs of the province on some safe and permanent basis, and thus to relieve the executive government and the two Houses of General Assembly from the unhappy distractions of the last 15 years, may be truly stated to be the main object of your mission. It will, therefore, receive your first and most careful attention.

49. I next proceed to the consideration of a subject which has given rise to long and embarrassing discussions between the executive government and the House of General Assembly; I refer to the tenures on which lands in the Province of Lower Canada are holden. Much controversy has prevailed, not only respecting the legal incidents of soccage tenure in that province, but also respecting the comparative advantages of holding land in fief and seigniorie, or in soccage, and a question has arisen whether these controversies would be more properly adjusted by Parliamentary or by provincial enactments. Convinced of the propriety of referring the whole subject to the provincial legislature, Lord Ripon embodied that principle in an Act which was passed in 1831. It has been since maintained that the language of that statute is not sufficiently precise or copious to effect the real design of its author; and it has been strongly pressed on His Majesty's Government that Parliament should be advised to repeal the Canada Tenures Act of 1825.

50. On the whole of this subject I am well convinced that the Imperial Legislature will adopt any measure distinctly recommended to them by the legislature of Lower Canada. To advance any further, except at the instance of that legislature, and with a perfect assurance of its approbation, would be to disregard every lesson to be derived from the experience of past years. No security less than the distinct declaration by the local legislature, of their wish for such a proceeding, could rescue the authors of a new Parliamentary enactment respecting Canadian tenures from the reproach of invading, in violation of the most solemn pledges, one of the admitted privileges of the Governor, Council, and Assembly. The law as it at present stands, invests the local legislature completely with the right of dealing with Acts of the Imperial Parliament relating to tenures of land in the province, and it does so, as it appears to me, in terms as ample as could possibly be selected. The principle of avoiding all unnecessary interference is, I think, more effectually respected by this delegation to the provincial legislature of the right to repeal all or any of the provisions of British Acts respecting tenures, than by a repeal of such Acts directly, or in the first instance by the British Parliament itself.

51. The more material inquiry, however, is, whether there be sufficient reason for commuting the existing feudal tenures into the tenure in free and common soccage; or for subjecting the soccage lands to any of the incidents of the tenure in fief and seigniorie; and under what tenure those lands which yet remain a part of the demesne of the Crown should hereafter be granted. Ample materials exist from which a correct judgment on this question might be drawn by persons resident in the province.

52. You will ascertain what have been the real consequences of the two different kinds of tenure on the prosperity of the different portions of the province in which they have respectively prevailed.

53. It is stated that the pernicious effects of the feudal liabilities are to be discovered in an imperfect cultivation of the soil; in the general poverty of the inhabitants; and in a comparatively infrequent accession of new settlers. On the other hand, it is maintained that the erection of seigniories in Canada has had the effect of concentrating the inhabitants, and of thus increasing the value and effectiveness of agricultural and every other species of labour. The occupation of land in free and common socage, again, is denounced as productive of the opposite evils of dispersion, and of opening in detached parts of the wilderness settlements, the communication between which is so difficult as to reduce each family to the embarrassments and poverty of a solitary and insulated condition. The advocates for the French tenures insist on the greater facility with which, under that system of law, land was alienated, and on the superior equity and wisdom of the rules according to which it is distributed on the death of the proprietor. The advocates for socage tenure not only combat these statements, but proceed to insist in their turn that the feudal laws, as existing in Lower Canada, authorize a mode of conveyancing the most favourable to the fraudulent seller, and the most dangerous to the honest purchaser of land in the province. They complain that the selfish interests of particular classes have been consulted at the expense of the general good, and that in Lower Canada alone has the legislature refused to establish that open registry of all instruments affecting the title to land, which forms a part of the code of every other British colony.

54. This debate has been conducted with peculiar earnestness in reference to the tenure of property in the city and suburbs of Montreal. The seigniorial rights claimed by the ecclesiastics of the Seminary of St. Sulpice were denounced as utterly incompatible with the improvement of a great commercial city. It was alleged that during the prevalence of the feudal system in Europe all towns largely engaged in trade were emancipated from that bondage, either by Royal charter or by the silent growth of legal customs of an opposite character. Whatever may be the effect of the mutual obligation of the seigneur and the censitaire in the agricultural districts, those obligations are declared to be at variance with the spirit, and destructive to the prosperity of commerce. They are represented not only as establishing a species of servile dependence especially irksome to those who have imbibed the sentiments generated in every part of the world by extensive mercantile transactions, but as forbidding all public improvements for the extension of such dealings, and as preventing all enlargements of private buildings, to meet the progressive demands of an increasing commerce.

55. Possessing local advantages, second to those of no city on the North American continent, and formed to be the emporium of some of the wealthiest and most industrious regions of the earth, Montreal is said to have been debarred from availing herself of those advantages, and to have been depressed into comparative insignificance by the prejudicial adherence to a narrow and antiquated policy.

56. The authors of these remonstrances enforced them by the assertion that the pretended feudal rights had no legal existence, and that the seigneurie, though claimed by the Seminary of St. Sulpice, was in reality the property of the King, who was not only entitled, but bound to emancipate his tenants from this thralldom; and the exercise on the part of His Majesty of that right was invoked with the more earnestness, because a majority of the inhabitants of Montreal, and almost the entire body of those directly interested in the question, are of English origin, and utterly opposed to the opinions or prejudices entertained by their neighbours in favour of the feudal tenure. In proof of the title of the Crown, the remonstrants referred to a long series of opinions coming from all the highest authorities to whom the question could be referred.

57. It was under such circumstances that my predecessors in office entered into a negotiation with the ecclesiastics of St. Sulpice for the amicable adjustment of this dispute. By some unfortunate misconception, the local government thought themselves bound to conceal from the public at large the correspondence which had taken place on this subject. This error is much to be regretted, and cannot be too speedily redressed. The effect of a complete disclosure of every word which has passed, whether orally or in writing, respecting the rights of the Crown to the seigneurie of Montreal, would be to show that Lord Ripon, anxious as he was to give every scope to the growing prosperity of the city, was yet even laboriously careful, by not advancing his demands beyond the limits which that prosperity required, to protect from all danger the great religious objects of the Seminary of St. Sulpice, and the personal welfare of the ecclesiastics by whom that

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establishment is at present represented. I do not perceive that it would be possible to add anything to the moderation or liberality of his proposals, and certainly I have no disposition to subtract anything from them. I have reason to believe that all parties are sincerely inclined to come to a just and reasonable settlement of this question, and I trust that under your auspices such a settlement may speedily be effected.

58. On the general subject of the tenures of land, whether rural or municipal, in Lower Canada, you will therefore direct your careful attention to the various topics to which I have thus cursorily adverted. The expediency, under the actual circumstances of the province, of introducing any change in the tenures either of the seigneurial or of the soccage lands; the terms on which the yet ungranted lands could be most conveniently alienated; the right of the Crown to the seigneurie of Montreal, and the propriety of enforcing that right; these are general topics which will diverge into many collateral inquiries, upon the whole of which it is necessary for the peace of the country that a comprehensive, and if possible a conclusive, investigation should take place.

59. Before I quit the subject of the Crown lands it is necessary to advert to the complaints which have been made respecting the establishment of the North American Land Company. The interposition of Parliament for this purpose is censured as an unnecessary interference with the authority of the local legislature over the internal affairs of the province.

60. Without undertaking to defend that proceeding from censure altogether, I may yet observe, that if any incorporated society is to exist in this kingdom for the settlement of lands in any of the British colonies, Parliamentary sanction is indispensable to some at least of the minor arrangements necessary for giving effect to such a purpose. Whether such companies should in any case be constituted, is therefore the real point at issue. In the province they may be established by Acts of Assembly; in Great Britain by Acts of Parliament; and either in Great Britain or in the province by Royal charter. His Majesty can have no wish to reserve to himself the exercise of this power, or to claim it for Parliament, unless it shall appear to be on the whole conducive to the general welfare of his Canadian subjects. That is a question which it is scarcely possible to solve conclusively without inquiries conducted on the spot, and by the aid of such evidence and suggestions as are not to be procured elsewhere.

61. It is an obvious objection to such schemes that they in reality delegate to private persons the office of settling the uncleared lands of the province, which office, it is said, could not be safely confided except to the government or to commissioners such as have been already described. A still more popular objection, of which I do not stop to discuss the justice, is, that the absent company withdraws from the province, in the form of profits, funds urgently required for the increase of the capital which should be devoted to local improvements. Perhaps too, some dread may be excited in the province by the effect of land companies in multiplying the number of new settlers with a far greater rapidity than would be consistent with the natural progress of immigration.

62. On the other hand it is denied that any legal impediment could be justly raised to the influx of British capital and British population; or that His Majesty could properly be advised to abstain from the exercise of the powers which the constitution has confided to him for that purpose; the right of erecting corporations by Royal charter, having been exercised in Lower Canada from its first settlement to the present day, should not, it is said, be relinquished merely because the legitimate exercise of it may be distasteful to a portion of the community. Every class of the King's subjects has an equal title to invoke the aid of His Majesty's prerogative, either for their protection or for their benefit.

63. I do not attempt to pursue any further the statement of this question. What I have already written may be sufficient to explain my motives for calling on you for a report whether it would be fit that the King should be advised to refrain from the exercise in future of the right of establishing such societies by Royal charter; and whether any pledge ought to be given against any future application to Parliament for their assistance in accomplishing such a purpose. If you should be of opinion that the power ought to be maintained, you will then consider and report whether any pledge can be judiciously given against the possible abuse of it, and whether any, and if any, what conditions can be prescribed as essential to such Royal grant hereafter.

64. The importance of the topics to which I have hitherto adverted would be very imperfectly understood, unless they were viewed in their connection with another

another question to which the majority of the House of Assembly would seem to attach a yet higher interest. In the 92 Resolutions of the Session of 1834, in the address to His Majesty of that year, and in the address adopted in the Session which closed abruptly in the commencement of the present year, the constitution of the Legislative Council was insisted upon as the chief and prominent grievance in the whole system of provincial government. To the discussion of this subject, nearly half of those resolutions, and of those addresses, is devoted; and the Assembly, in the most decided language, have declared that all remedial measures will be futile and unsatisfactory which should stop short of rendering the seats in the Legislative Council dependent on a popular election.

65. The petitioners of Québec and Montreal, on the other hand, deprecate with equal earnestness any departure from the principle on which the appointment of the members of the Legislative Council is regulated by the Act of 1791, and denounce any such change as pregnant with the most formidable evils.

66. The King is most unwilling to admit, as open to debate, the question whether one of the vital principles of the provincial government shall undergo alteration. The solemn pledges so repeatedly given for the maintenance of that system, and every just prepossession derived from constitutional usage and analogy, are alike opposed to such innovations, and might almost seem to preclude the discussion of them.

67. But His Majesty cannot forget that it is the admitted right of all his subjects to prefer to him, as King of these realms, their petitions for the redress of any real or supposed grievances. His Majesty especially recognises this right in those who are themselves called to the high office of representing a large and most important class of his people. The acknowledgment of that right appears to the King to imply on his own part, the corresponding duty of investigating the foundations of every such complaint. His Majesty therefore will not absolutely close the avenue to inquiry, even on a question respecting which he is bound to declare that he can for the present perceive no reasonable ground of doubt. His Majesty will not refuse to those who advocate such extensive alterations, an opportunity of proving the existence of the grievances to which so much prominency has been given.

68. The King is rather induced to adopt this course, because His Majesty is not prepared to deny that a statute which has been in effective operation for something less than forty-three years may be capable of improvement, or that the plan upon which the Legislative Council is constituted may possibly in some particulars be usefully modified; or that in the course of those years some practical errors may have been committed by the Council, against the repetition of which adequate security ought to be taken. Yet if these suppositions should be completely verified, it would yet remain to be shown, by the most conclusive and circumstantial proof, that it is necessary to advance to a change so vital as that which is demanded by the House of Assembly.

69. It must be recollected that the form of provincial constitution in question is no modern experiment nor plan of government, in favour of which nothing better than doubtful theory can be urged. A Council nominated by the King, and possessing a co-ordinate right of legislation with the representatives of the people, is an invariable part of the British colonial constitution in all the Transatlantic possessions of the Crown, with the exception of those which still remain liable to the Legislative authority of the King in Council. In some of these colonies it has existed for nearly two centuries. Before the recognition of the United States as an independent nation, it prevailed over every part of the British possessions in the North American continent, not comprised within the limits of colonies founded by charters of incorporation. The considerations ought indeed to be weighty which should induce a departure from a system recommended by so long and successful a course of historical precedent.

70. To the proposal made by that body to refer the consideration of this question to public conventions, or, as they are termed primary meetings, to be holden by the people at large in every part of the province, His Majesty commands me to oppose his direct negative. Such appeals are utterly foreign to the principles and habits of the British constitution, as existing either in this kingdom or in any of the foreign dependencies of the Crown.

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71. You will therefore apply yourselves to the investigation of this part of the general subject, endeavouring to ascertain how far the Legislative Council has really answered the original objects of its institution; and considering of what amendments it may be susceptible. It is His Majesty's most earnest hope and trust that in the practical working of the constitution of the province, there will be found to exist, no defects which may not be removed by a judicious exercise of those powers which belong to the Crown, or which Parliament has committed to the provincial legislature.

72. When your report shall have been received, His Majesty will take into his most serious consideration the question whether there are any amendments in the law on this subject, which it would be fit to propose for the consideration of the Imperial Legislature; and which being founded on the principles, and conceived in the spirit of the Act of 1791, may be calculated to render the practical operation of that statute more conformable to the wishes and intentions of its framers.

73. There is one complaint closely connected with the topic referred to, of which I do not find any notice in the Resolutions of the Assembly. The constitution of Lower Canada consists of various branches or members, to each of which Parliament has assigned such functions as were thought necessary to counterbalance the danger of abuse in the other organs of government.

If the balance be disturbed, a counterpoise would be required to rectify the disturbance. It is earnestly maintained by many, that the House of Assembly does not supply a fair representation of the Canadian people; that the constituencies throughout the province are so arranged as to insure the return of a much larger proportion of members in the interest of the Canadians of French descent, than is warranted either by their numbers or their property; and that neither the commercial interest, nor the landholders in the townships, are protected in the popular branch of the legislature with any just regard to their importance, or to the wealth and number of the persons embraced in those classes. The Canadians of British descent have been therefore, it is said, accustomed to look to the Legislative Council for defence against the partiality which they ascribe to the members of the House of Assembly.

74. On the truth and justice of these representations, it is not for me here to pronounce an opinion. But assuming them to be true, it is clear that the existence of such a state of things would throw additional difficulties round an attempt to modify the Legislative Council.

75. It will be necessary for you to inquire into the truth of these allegations. This duty indeed you are bound to perform, with a view to the general interests of the colony, even independently of any reference to its bearing on the construction of the Legislative Council. The number of persons of British or of French birth or origin actually sitting in the Assembly will of course afford a most imperfect criterion of the influence by which their seats may have been obtained, and of the course of policy to which they will habitually incline. The material question respects the national character and prepossessions rather of the several constituencies, than of the different members. Lower Canada must also be viewed as a country in which the limits of settlement and cultivation are continually widening. It requires therefore an elective system, resting on a principle such as shall accommodate itself to changes which are taking place in the circumstances of the electors, with a magnitude and rapidity to which there is no parallel in the communities of Europe.

76. If your inquiries should lead you to the conclusion, that a change in the Law of Election in Lower Canada is necessary or desirable, it will be right that the change should, if possible, be effected, not by an Act of Parliament, but by an Act of the local legislature.

77. The composition of the executive council has also been made the subject of censure. It is maintained that the members of the body are incompetent to the judicial duty with which they are charged, and unfit to act as the confidential advisers of the Governor in their more appropriate office of aiding in the execution of his administrative authority. Hence, it is said, has arisen the habit of appealing, with inconvenient frequency, to the Secretary of State, on many questions which might more advantageously have been disposed of in the province itself. To this practice

practice is ascribed not only much needless delay in the dispatch of public business, but the mischief inseparable from bringing the ultimate and supreme executive authority into needless collision with individuals and with the two Houses of Legislature.

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78. So far as these complaints refer to the appellate jurisdiction of the executive councillors, there appears an unanimity so entire amongst all the parties concerned, that the only subject of inquiry is, by what means that jurisdiction can be most speedily and advantageously transferred to a more appropriate tribunal. But, on the other branch of the subject, there is a wider scope for investigation.

79. I am disposed to doubt whether the number of the members of the executive council might not be reduced with advantage to the community. In the Indian presidencies, as well as in all the new British colonies, the number is limited to three or four. A much larger number would seem scarcely compatible either with promptitude, secrecy, and a due sense of personal responsibility; or with calmness of deliberation, freedom from party dissensions, and exemption from the danger of inconvenient compromise. If three members only had seats at the board, it might at once be reasonable to impose, and possible to enforce, the observance of the rule, that on all questions of importance the Governor should be bound to explain to the board his own opinions, and to receive from them, in return, an explanation of theirs. This, however, is a subject on which His Majesty is not, at the present moment, disposed to act without the aid of your judgment and report.

80. I would not, however, exclude from your consideration any proposal of which it is the professed object to render the Executive Council a more effective instrument of good government. You will therefore report whether there are any practicable amendments which, on the whole, it would be desirable to adopt, either in the mode of convening, of consulting, or of remunerating the members of this body, or regarding the tenures of their seats.

81. The state of education in Lower Canada must engage your most serious attention, with a view to the best means of promoting the more general diffusion of sound learning, religious knowledge, and Christian principle. Of His Majesty's anxiety in regard to these paramount objects, it would be difficult to speak in terms sufficiently emphatic. But the earnest endeavours of my predecessors on this subject have been so repeatedly frustrated, that I suspect the existence of some obstacles of which the Home Government is not aware. Amidst the heat of contention on questions comparatively of slight temporary concern, this momentous and permanent interest of the whole Canadian people may have been overlooked. Sufficient attention, perhaps, has not been given to the essential distinctions between the state of society in this kingdom and in the province. It may have been forgotten that in a new country, pressing forward in the career of agricultural and commercial enterprise, it is far more impolitic than in this kingdom to calculate on the voluntary exertions of those who combine the advantages of wealth and leisure with practical experience in public affairs. If His Majesty's Government have not hitherto addressed themselves with sufficient promptitude to the duty of devising and recommending well-considered plans, for an object so nearly touching the moral and intellectual no less than the social benefit of the Canadian people, it is an error which cannot be too frankly confessed nor too zealously redeemed.

82. You will therefore apply yourselves to the collection of all such intelligence as may be necessary for framing a general system of provincial education, embracing not the mere rudiments of literature, but all that relates to the culture of the minds and the development of the moral and religious principles of youth in the different ranks of society. This is a task, the due performance of which requires so intimate an acquaintance with the character and wants of the people, that I doubt whether, within the time of your residence in Canada, it will be possible for you to be completely prepared to form a deliberate conclusion on a question thus comprehensive. It will, however, be of great value if a commencement can be made, resting on a solid basis, on which, aided by the co-operation of the Governor, a more complete structure may hereafter be erected by the Legislative Council and Assembly. I am sanguine in the hope that such will be the result of your inquiries and your report.

83. The last topic to which I shall refer in my present communication is, the distribution between the Provinces of Lower and Upper Canada of duties, levied

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under Acts of Parliament or Statutes of the Lower Province, at the ports in the River St. Lawrence. The interposition of Parliament to apportion these funds was dictated and justified by necessity. Between two great dependencies of the empire, at variance on a question of the deepest interest to both, Parliament assumed an authority to mediate, not with a view to any interest exclusively or principally British, but for the sake of objects altogether Canadian. Still it has never been disputed or concealed, that this intervention was accompanied by the exercise of an extreme right, nor have His Majesty's Government ever been slow to seize every opportunity for remitting the decision of this dispute to the legislatures, within whose cognizance the question properly falls. You will make it your business to inquire whether such an adjustment of the rights of the two provinces, satisfactory to them both, can be devised, as would justify the repeal of the Canada Trade Act. If any such project can be matured, His Majesty's Government would be happy to introduce into Parliament the necessary measure for accomplishing that repeal.

84. It appears from the records of this office that my immediate predecessor, the Earl of Aberdeen, investigated with great diligence the question whether the recommendations of the House of Commons' Committee of 1828, on Canadian Affairs, had been completely executed. The result of those inquiries his Lordship embodied in a Minute of which I have the honour to enclose a copy for your information. In reliance on the habitual accuracy of Lord Aberdeen, I think myself entitled confidently to maintain with him, that to each of the recommendations of that Committee, the King has given complete effect to the utmost extent of His Majesty's constitutional authority; that in obedience to His Majesty's commands, the most pressing instances have been made to the Legislative Council and Assembly to accomplish every other part of the designs of that Committee to which legislative aid was indispensable; and further, that so frank and cordial was the spirit in which those concessions were made, that on every one of the principal topics included in the Report of 1828, His Majesty spontaneously advanced considerably beyond the limits recommended by its authors.

85. This, however, is a general conclusion of so much importance, and enters so largely into the justification of the policy observed by the King, from the commencement of his reign, towards his Canadian people, that His Majesty is not satisfied that it should rest merely on the revision undertaken by his own confidential servants, of the events of the last seven years. Desiring that it should be brought to the test of the most rigid and impartial inquiry, His Majesty commands me to instruct you, on your arrival in Lower Canada, to ascertain and to report whether the recommendations of the Canada Committee of 1828 have, to the full extent of His Majesty's authority and legitimate influence, been carried into complete effect; or whether there is any, and if any, what part of their advice which it yet remains with his Majesty to execute.

86. I have now adverted to all the topics which it is necessary to comprise in the present communication; I have accompanied them with such observations as the occasion seemed to require. In offering those observations I must again disclaim the remotest intention of fettering your discretion or of restricting in any degree the exercise of your own judgement, either as to the subjects of inquiry or the opinions at which you may arrive. In the course of your investigations new topics will occur to you, and new views of topics already familiar will present themselves. You will not on any occasion, or for any reason, shrink from the explicit declaration of your sentiments. You will not decline any inquiry, the prosecution of which may promise benefit to the colony or the mother country. You cannot err, either in the selection or in the treating of questions, if you steadily bear in view the purpose for which His Majesty has been induced to entrust you with the execution of this commission, and the obligation under which you are placed to contribute, by every means in your power, to the accomplishment of that gracious purpose.

I have, &c.

(signed) Glenelg.

GRIEVANCES IN THE CANADAS.

Enclosure 1,
in No. 1.

Petition of
Inhabitants of
Lower Canada.

Enclosure 1, in No. 1.

To the KING's most Excellent MAJESTY.

The Petition of the undersigned Inhabitants of *Lower Canada*,

Humbly sheweth,

THAT your Petitioners, deeply sensible of their obligations as subjects of Your Majesty, and of the many and important advantages which they enjoy in common with their fellow subjects in this province, are devoted to the maintenance of its connexion with Great Britain and Ireland, and the empire of which it is their pride and happiness to form a part.

That among the advantages to be derived from this connexion, there is none which they more highly prize than that settled government, constitutional freedom, and security of person and property, which the experience of ages has proved pre-eminently to distinguish the British constitution of government, firmly supported as it has been, by the intelligence and wisdom of a public-spirited and patriotic people.

That the gratitude of your petitioners is justly due to the British Parliament for the Act passed in the thirty-first year of the reign of his late Majesty George the Third, for making further provision for the government of this province.

That it was manifestly intended by the said Act, to secure to all Your Majesty's subjects therein, the benefits of the British constitution of government, in so far as the circumstances of the Colony would permit, and as was consistent with its dependence on the parent state, and a just subordination to its authority.

That it is with the deepest regret your petitioners have perceived, by the experience of the forty-two years during which the said Act has been in force, that various causes have come into operation, which have materially diminished, and now threaten to destroy, the benefits intended.

When Canada was ceded to the British Crown by the Treaty of Paris in 1763, it contained a population of about sixty thousand souls who had been subjects of His most Christian Majesty.

In virtue of the capitulation of Canada, in 1760, this population became British subjects, and were maintained in their property, and by the Act of the British Parliament of the fourteenth George the Third, chapter eighty-three, the laws usages and customs of Canada were continued to them; and in other respects they have become entitled to the enjoyment of all rights, liberties and franchises which belong to or have been granted to the inhabitants of this province.

That the said inhabitants, formerly subjects of His most Christian Majesty, and their descendants, under the protection of the said laws and privileges, have since increased to the number of four hundred thousand souls, and retained every characteristic of a distinct people; while those of Your Majesty's subjects who have come into and settled in this province from other parts of Your Majesty's dominions, as well as their descendants, now amounting to about one hundred and fifty thousand souls, have retained a character equally distinct.

In such circumstances, your petitioners humbly conceive, that under whatever form of government the colony might have been placed, the utmost discretion, liberality and mutual forbearance, were necessary to prevent the ordinary competitions of life from disturbing the harmony of society, endangering the public peace, and injuriously affecting the general welfare.

Your petitioners cheerfully bear testimony to the excellent character of the great body of their fellow subjects of French origin; to their tried fidelity to the British Government, and their just claims to Your Majesty's gracious favour and protection: but when to the unavoidable sources of collision aforementioned, were added those inseparable from the contentions of popular assemblies, and the ambition of their leading members, depending for their political existence, personal importance, and the effecting of their views, on the suffrages of the majority of the people, the danger of excitements and collisions between the two populations before mentioned became imminent.

It had besides unfortunately happened that the French colonists of Canada had no share or influence in its legislation and government while it belonged to France. Their descendants were not therefore trained by experience, education and habits, for a government of a more popular form. They were without a sufficient number of men of enlarged and liberal views, embracing all interests in the colony and its relations with the parent state, to discharge the high and important functions of legislators; and the events of war had left among the people feelings and prejudices, apprehensions and jealousies, not easily to be eradicated under the government of a people with whom they had so frequently been involved in hostilities.

In consequence of these circumstances, and the liberal provisions of the aforementioned Acts of the British Parliament, the constitution of the representative branch of the government of the province entirely depended upon the majority of the population of French origin, and the whole powers of that branch inevitably fell into their hands, or rather into the hands of the leading men amongst them, who, in many instances, participated in the popular prejudices, jealousies and suspicions against the population not of their origin.

The evils arising from this state of things, have been greatly increased and aggravated by the Act of the Imperial Parliament placing at the disposal of the Assembly, absolutely and unconditionally, as it is understood by that body, the important revenue by means of which

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the civil expenditure of the province was previously defrayed. By this increase to the power derived from great numerical superiority in the Assembly, have been superadded the irresistible weight and influence necessarily conjoined with the exclusive power of appropriating the revenues indispensably requisite for defraying the civil expenditure of the province, by means of which the executive government has been rendered entirely dependent on the will and pleasure of the leaders in the Assembly for its very existence, and public authority, both administrative and judicial, from the Governor-in-Chief and the Chief Justice of the province to the most humble individual in the scale of office, has been subjected to their interested, partial, vindictive or capricious control.

Your petitioners have seen with sincere regret and alarm, that the powers of the Assembly have been exercised by the leaders in that body, with a spirit of decided hostility to Your Majesty's Government, of disregard for the peace and welfare of the province, and with ill-disguised projects of exclusion and proscription against Your Majesty's subjects not of their national origin, and even against those of their own origin who were not disposed to support them in their unjust and pernicious views.

Your petitioners humbly represent, that at the late general election this spirit of exclusion and proscription has been carried to the extent, that although the population not of French origin amounts to more than one-fourth of the population, it has not been able to return more than fourteen members of the choice of the electors, or representing their views and interests, out of a House composed of eighty-eight members, and that the whole of the population not of French origin in the cities and counties of Quebec and Montreal, although they nearly equal the French population in number, have not been able to return one member of their choice out of twelve.

This result, which in fact leaves a population having great and permanent interests in the province, and contributing a very large proportion of the public revenue, without even the power of being heard in the legislature of the country by any person of their choice or responsible to them, has been facilitated by an unjust and faulty distribution of the elective franchise; by including the new and growing settlements of persons not of French origin in counties where that origin predominates, and where their votes are lost; and by the incessant and systematic efforts of the leading characters in the House of Assembly of French origin, to depress and vilify the population not of their origin, with a manifest tendency to subject their persons and property, and the whole country, to the arbitrary rule and control of these characters, through the instrumentality of a majority acting and held together under the impulses of national prejudices and feelings.

It is with the deepest regret and alarm that your petitioners have witnessed the progress of the various attempts made in the House of Assembly, tending to the aforementioned purposes, as recorded in the Journals of that House. They have refused or neglected to co-operate in the gracious and beneficent intentions of Your Majesty's Government, for the redress of grievances, the remedy of abuses, and for the advancement of the public prosperity; they have vilified and endeavoured to destroy another and co-ordinate branch of the legislature, established under and in virtue of the authority of the aforementioned Act of the British Parliament; promoted and countenanced tumultuous and riotous assemblies and proceedings; endeavoured to bring the administration of justice into contempt; diverted the privileges of the Assembly entrusted to them for the protection of popular rights, to the destruction of these rights; they have, avowedly, in their legislative capacity, acted upon distinctions of national origin among Your Majesty's subjects; have sanctioned these distinctions by their resolutions of the 21st of February 1834; invited the formation of committees and conventions; authorized them to contract loans on the eve of a general election; pledged the honour of the representatives of the people to pay the expenditures of these committees and conventions out of the public monies; and publicly threatened to apply elsewhere, than to the constituted authorities in the province and to the supreme authority of the British Parliament, for a remedy of alleged grievances.

Your petitioners further represent that these proceedings have already entailed heavy losses on your petitioners and the country, by the diminution of confidence in the security of property and its consequent depreciation in value; by the interruption of useful undertakings; the suspension of public improvements; the decrease of employment; the continuance of various abuses; and the spreading of hatred and ill will; threatening long and fatal dissensions, dangerous to the peace, freedom and prosperity of the province, and prejudicial to the interests and character of the British Nation and Government.

Suffering under and exposed to so many evils, your petitioners cannot even look for consolation and protection to an independent and well-organized administration of justice, which is so essential to the well-being of every society. The judges are held in a state of dependence on the House of Assembly for their subsistence, notwithstanding Your Majesty's gracious concession that their commissions should be held during good behaviour, on their salaries being permanently provided for. The system of judicature established by Act of the Provincial Legislature, in 1794, is still maintained, although it has become manifestly unsuited to the present state and condition of the province. From the extension of the settlements and the increase of the population, the courts of original jurisdiction have become inaccessible to the inhabitants at a distance from them, otherwise than at a ruinous expense, involving in many cases, a denial or failure of justice; while the Court of Appeals, from its peculiar constitution, is unfit for the exercise of the powers with which it is entrusted.

Your petitioners observe with regret, in the present state of the province, that the Executive Council, both as respects the number of its members and its composition, is too defective to answer the purposes of its institution. In every well-regulated government, your
petitioners

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petitioners most humbly conceive, that the executive authority should be aided by the advice of able and well-informed individuals acting together in a body, by which sound discretion, uniformity, consistency and system are imparted to its measures; and that among colonial governments, which are generally administered by persons labouring under the disadvantage of a deficiency of local information, assistance of this nature is indispensable to the ends of good government.

Whilst the greatest importance ought to be attached to the selection of fit persons for seats in the Legislative Council, it is indispensably necessary for the stability of the government and the security of His Majesty's subjects within the province, that the power of appointing members to that branch of the legislature, should continue to reside, exclusively, in the Crown, but subject to such regulations as may be deemed proper for ensuring the appointment of fully qualified persons.

Your petitioners, confiding in Your Majesty's wisdom and paternal regard for all Your Majesty's subjects,

Humbly pray:

That Your Majesty would be graciously pleased to take the premises into consideration, that justice be done therein; and, particularly, that they be secured in their just right of a fair and equitable representation in the Provincial Assembly, and otherwise protected in their rights as British subjects, and in the full enjoyment of constitutional government.

And your Petitioners, as in duty bound, will ever pray.

Province of Lower Canada, }
5 February, 1835.

Enclosure 2, in No. 1.

To the KING's Most Excellent MAJESTY.

The Petition of the undersigned Inhabitants of *Lower Canada*, resident in the District of *Montreal*,

Humbly sheweth,

That your Petitioners, deeply sensible of their obligations as subjects of Your Majesty, and of the many and important advantages which they enjoy in common with their fellow-subjects in this province, are devoted to the maintenance of its connexion with Great Britain and Ireland, and the empire of which it is their pride and happiness to form a part.

That among the advantages to be derived from this connexion, there is none which they more highly prize than that settled government, constitutional freedom, and security of person and property, which the experience of ages has proved pre-eminently to distinguish the British constitution of government, firmly supported, as it has been, by the intelligence and wisdom of a public-spirited and patriotic people.

That the gratitude of your petitioners is justly due to the British Parliament for the Act passed in the 31st year of the reign of his late Majesty George the Third, for making further provision for the government of this province.

That it was manifestly intended by the said Act to secure to all Your Majesty's subjects therein the benefits of the British constitution of government, in so far as the circumstances of the Colony would permit, and as was consistent with its dependence on the parent state, and a just subordination to its authority.

That it is with the deepest regret your petitioners have perceived, by the experience of the 42 years during which the said Act has been in force, that various causes have come into operation which have materially diminished, and now threaten to destroy, the benefits intended.

When Canada was ceded to the British Crown by the Treaty of Paris in 1763, it contained a population of about 60,000 souls, who had been subjects of His most Christian Majesty.

In virtue of the capitulation of Canada, in 1760, this population became British subjects, and were maintained in their property, and by the Act of the British Parliament of the 14th Geo. III. cap. 83, the laws, usages and customs of Canada were continued to them, and in other respects they have become entitled to the enjoyment of all rights, liberties and franchises which belong to, or have been granted to, the inhabitants of this province.

That the said inhabitants, formerly subjects of His most Christian Majesty, and their descendants, under the protection of the said laws and privileges, have since increased to the number of 400,000 souls, and retained every characteristic, of a distinct people, while those of Your Majesty's subjects who have come into and settled in this province from other parts of His Majesty's dominions, as well as their descendants, now amounting to about 150,000 souls, have retained a character equally distinct.

In such circumstances your petitioners humbly conceive that, under whatever form of government the Colony might have been placed, the utmost discretion, liberality and mutual forbearance were necessary to prevent the ordinary competitions of life from disturbing the harmony of society, endangering the public peace, and injuriously affecting the general welfare.

Your petitioners cheerfully bear testimony to the excellent character of the great body of their fellow subjects of French origin, to their tried fidelity to the British Government, and

Enclosure 1,
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Enclosure 2,
in No. 1.

Petition of
Inhabitants of
Lower Canada,
resident in
Montreal.

Enclosure 2,
in No. 1.

Petition of
Inhabitants of
Lower Canada,
resident in
Montreal.

their just claims to Your Majesty's gracious favour and protection; but when, to the unavoidable sources of collision aforementioned, were added those inseparable from the contentions of popular assemblies, and the ambition of their leading members, depending for their political existence, personal importance, and the effecting of their views, on the suffrages of the majority of the people, the danger of excitements and collisions between the two populations beforementioned became imminent.

It had besides fortunately happened that the French colonists of Canada had no share or influence in its legislation and government while it belonged to France. Their descendants were not therefore trained by experience, education and habits, for a government of a more popular form. They were without a sufficient number of men of enlarged and liberal views, embracing all interests in the colony and its relations with the parent state, to discharge the high and important functions of legislators; and the events of war had left among the people feelings and prejudices, apprehensions and jealousies, not easily to be eradicated under the government of a people with whom they had so frequently been involved in hostilities.

In consequence of these circumstances, and the liberal provisions of the aforementioned Acts of the British Parliament, the constitution of the representative branch of the government of the province entirely depended upon the majority of the population of French origin, and the whole powers of that branch inevitably fell into their hands, or rather into the hands of the leading men among them, who in many instances participated in the popular prejudices, jealousies and suspicions, against the population not of their origin.

The evils arising from this state of things have been greatly increased and aggravated by the Act of the Imperial Parliament placing at the disposal of the Assembly, absolutely and unconditionally, as it is understood by that body, the important revenue by means of which the civil expenditure of the province was previously defrayed. By this increase to the power derived from great numerical superiority in the Assembly, have been superadded, by the irresistible weight and influence necessarily conjoined with the exclusive power of appropriating the revenues indispensably requisite for defraying the civil expenditure of the province, by means of which the executive government has been rendered entirely dependent on the will and pleasure of the leaders in the Assembly for its very existence; and public authority, both administrative and judicial, from the Governor-in-Chief and the Chief Justice of the province to the most humble individual in the scale of office, has been subjected to their interested, partial, vindictive or capricious control.

Your petitioners have seen with sincere regret and alarm that the powers of the Assembly have been exercised by the leaders in that body with a spirit of decided hostility to Your Majesty's Government, of disregard for the peace and welfare of the province, and with ill-disguised projects of exclusion and proscription against Your Majesty's subjects not of their national origin, and even against those of their own origin who were not disposed to support them in their unjust and pernicious views.

Your petitioners humbly represent, that at the late general election this spirit of exclusion and proscription has been carried to the extent that, although the population not of French origin amounts to more than one-fourth of the population, it has not been able to return more than 14 members of the choice of the electors, or representing their views and interests, out of a House composed of 88 members, and that the whole of the population not of French origin in the cities and counties of Quebec and Montreal, although they nearly equal the French population in number, have not been able to return one member of their choice out of twelve.

This result, which in fact leaves a population having great and permanent interests in the province, and contributing a very large proportion of the public revenue, without even the power of being heard in the legislature of the country by any person of their choice, or responsible to them, has been facilitated by an unjust and faulty distribution of the elective franchise, by including the new and growing settlements of persons not of French origin in counties where that origin predominates, and where their votes are lost; and by the incessant and systematic efforts of the leading characters in the House of Assembly of French origin to depress and vilify the population not of their origin, with a manifest tendency to subject their persons and property, and the whole country, to the arbitrary rule and control of these characters, through the instrumentality of a majority acting and held together under the impulses of national prejudices and feelings.

It is with the deepest regret and alarm that your petitioners have witnessed the progress of the various attempts made in the House of Assembly, tending to the aforementioned purposes, as recorded in the Journals of that House. They have refused or neglected to co-operate in the gracious and beneficent intentions of Your Majesty's Government for the redress of grievances, the remedy of abuses, and for the advancement of public prosperity; they have vilified and endeavoured to destroy another and co-ordinate branch of the legislature, established under and in virtue of the authority of the aforementioned Act of the British Parliament; promoted and encouraged tumultuous and riotous assemblies and proceedings; endeavoured to bring the administration of justice into contempt; diverted the privileges of the Assembly, entrusted to them for the protection of popular rights, to the destruction of these rights; they have avowedly, in their legislative capacity, acted upon distinctions of national origin among Your Majesty's subjects; have sanctioned these distinctions by their resolutions of the 21st of February 1834; invited the formation of committees and conventions; authorized them to contract loans on the eve of a general election; pledged the honour of the representatives of the people to pay the expenditures of these committees and conventions out of the public monies; and publicly threatened to apply elsewhere

elsewhere than to the constituted authorities in the province, and to the supreme authority of the British Parliament, for a remedy of alleged grievances.

Your petitioners further represent, that these proceedings have already entailed heavy losses on your petitioners and the country, by the diminution of confidence in the security of property, and its consequent depreciation in value; by the interruption of useful undertakings, the suspension of public improvements, the decrease of employment, the continuance of various abuses, and the spreading of hatred and ill-will, threatening long and fatal dissensions, dangerous to the peace, freedom and prosperity of the province, and prejudicial to the interests and character of the British nation and government.

Suffering under and exposed to so many evils, your petitioners cannot even look for consolation and protection to an independent and well-organized administration of justice, which is so essential to the well-being of every society. The judges are held in a state of dependence on the House of Assembly for their subsistence, notwithstanding Your Majesty's gracious concession, that their commissions should be held during good behaviour, on their salaries being permanently provided for. The system of judicature established by Act of the Provincial Legislature in 1794 is still maintained, although it has become manifestly unsuited to the present state and condition of the province. From the extension of the settlements, and the increase of the population, the courts of original jurisdiction have become inaccessible to the inhabitants at a distance from them, otherwise than at a ruinous expense, involving in many cases a denial or failure of justice, while the Court of Appeals, from its peculiar constitution, is unfit for the exercise of the powers with which it is entrusted. Although for a period of 42 years the Provincial Legislature has been engaged in legislating for the internal affairs of the province, and is invested with ample powers to advance the social and political prosperity of the country, your petitioners remain subject to a system of feudal law, derived from France, which has been found to impede the progress of improvement, is oppressive in its character, and not in accordance with the wants of the age. Throughout the seigneuries of Lower Canada, within the limits of which are comprised the populous and commercial cities of Quebec and Montreal, upon the sale of real property, the feudal lord exacts from the purchaser a fine equal to one-twelfth part of the price, a claim which recurs with each successive sale; thus every person who clears or otherwise improves a farm, or erects a building either in town or country, bestows one-twelfth part of his outlay on the seigneur whenever the property is brought to sale. From the want of an Act for the registration of real property, the validity of a title cannot be ascertained except by a course of expensive proceedings through the courts of law, but secret incumbrances may still exist, unaffected by that procedure, for whose discovery no means are afforded; hence the difficulty of borrowing money on mortgage, and the frequent seizure and forced sale of real estates.

The right assumed by the House of Assembly (and tacitly acknowledged by Your Majesty's Government) to prefer charges against persons in authority for crimes and misdemeanors in office, is essential to the due administration of public trusts, and the enforcement of the responsibility of public officers; but the acknowledgment of such right proves the necessity of a tribunal within the province before which persons accused may have the benefit of a prompt and full investigation of the charges preferred against them, without which the right to accuse is pregnant with evil, tending to render public functionaries timid in the discharge of their official duties, and thereby to sap the very foundation of order and good government.

Your petitioners observe with regret, in the present state of the province, that the Executive Council, both as it respects the number of its members and its composition, is too defective to answer the purposes of its institution. In every well-regulated government, your petitioners most humbly conceive that the executive authority should be aided by the advice of able and well-informed individuals acting together in a body, by which sound discretion, uniformity, consistency and system are imparted to its measures, and that among colonial governments, which are generally administered by persons labouring under the disadvantage of a deficiency of local information, assistance of this nature is indispensable to the ends of good government.

Whilst the greatest importance ought to be attached to the selection of fit persons for seats in the Legislative Council, it is indispensably necessary for the stability of Government and the security of His Majesty's subjects within the province, that the power of appointing members to that branch of the Legislature should continue to reside exclusively in the Crown, but subject to such regulations as may be deemed proper for ensuring the appointment of fully qualified persons.

Your petitioners, confiding in Your Majesty's wisdom and paternal regard for all Your Majesty's subjects,

Humbly pray,

That Your Majesty would be graciously pleased to take the premises into consideration, that justice be done therein, and particularly that they be secured in their just right of a fair and equitable representation in the Provincial Assembly, and otherwise protected in their rights as British subjects, and in the full enjoyment of constitutional government.

And your petitioners, as in duty bound, will ever pray.

Montreal, Province of Lower Canada, 1835.

Enclosure 2,
in No. 1.

Petition of
Inhabitants of
Lower Canada,
resident in
Montreal.

Enclosure 3,
in No. 1.

Enclosure 3, in No. 1.

Petition of
Members serving
in the Assembly of
Lower Canada.

50. The humble Petition of the Members elected to serve in the Assembly of Lower Canada, and of the Members forming the minority of the Legislative Council, who partake of the opinions of the people,

Sheweth,

That during the Session of the Imperial Parliament the Commons of the Province of Lower Canada, in the name of the people whom they represent, approached your honourable House by petition, dated from Quebec, on the 1st day of March 1834; setting forth the grievances which the people of the said province suffered, arising out of the vicious principles upon which their political institutions are based, aggravated by a series of arbitrary administrations to which the province has been subjected.

That the inquiry which was instituted before a Select Committee appointed by your Honourable House, upon Canada affairs, on the 15th April 1834, induced the people of Lower Canada to hope that not only would the prayer of their petition be listened to, but that the grievances therein set forth, which your petitioners have reason to believe were fully supported, would be immediately redressed.

That this hope, which your petitioners cannot deem unreasonable, was still further strengthened by the retirement of His Majesty's late Secretary of State for the Colonies, the Right honourable E. G. Stanley, and the subsequent appointment of the Right honourable T. Spring Rice; the more especially after the repeated declarations of the Right honourable the Secretary of State for the Colonies, that His Majesty's Government was actuated by the strongest desire to render justice to the people of this province, by removing the various abuses under which they suffer, and affording to them security against the recurrence thereof.

That your petitioners, however, regret to state, that not only does the said petition of the Commons of Lower Canada to your honourable House seem to have been totally neglected, but that new abuses have been inflicted upon the people of this province, which, if not speedily removed, will tend to increase to an alarming degree the discontents which have so long prevailed, and will ultimately alienate the affections of the people even from the Government of England itself.

That among the additional grievances of which the people of this province have to complain, your petitioners would invite the attention of your honourable House to the fact, that his Excellency Matthew Lord Aylmer is still continued in the government of this province, after having been formally accused in the aforesaid petition of "illegal, unjust and unconstitutional conduct," and after having borne himself towards the representatives of the people of Lower Canada in a manner insulting to a body intrusted with legislative functions, and destructive of the respect which should be due to His Majesty's representative.

That the acts of the Governor-in-Chief, of which the people of this province still have to complain, were for the most part enumerated in the aforesaid petition to your honourable House; that since that time the vindictive and bitter feelings, together with the arbitrary and unbecoming conduct which his Excellency has displayed towards the people of this province, have created an universal feeling of discontent towards his Excellency's administration.

That among the just subjects of complaint against the present administration of this province, the system which is exhibited in the distribution of offices necessarily holds a conspicuous place; that the chief recommendation to office continues to be a display of marked and bitter animosity towards the majority of the people of this province; that it is seldom men of French-Canadian origin find their way into office under any circumstances; but when they are appointed, it is not until they have alienated themselves from the sympathies of the people, and allied themselves with the factious minority opposed to the wishes and interests of the country; and that even the sacred character of justice has again been recently polluted in its source by the appointing to the high office of Judge of the King's Bench for the district of Montreal a man who was a violent and decided partisan of the administration of the Earl of Dalhousie, and the declared enemy of the laws which he is sworn to administer; and also by the appointment of a great number of commissioners for the trial of small causes in different parts of the country, intentionally selected on the eve of a general election, from among the notorious partisans of the present administration.

That another cause of complaint, which has arisen since the aforesaid petition of the Commons of Lower Canada to your honourable House, is the culpable indifference betrayed by the Governor-in-Chief on the subject of the frightful ravages committed by the Asiatic cholera during the last summer; that a few days after the existence of the dreadful scourge in the city of Montreal was ascertained, the corporation of the said city, in accordance with its strict line of duty, passed a series of resolutions, authorizing an application to the Governor-in-Chief for an extension of the quarantine regulations to the port of Montreal, and for an aid, for the purpose of forwarding the destitute emigrants to their destination; that the answer of the Governor was more than a bare refusal; it was marked by coldness and insult; that your petitioners are firmly of opinion that the virulence which the disease subsequently assumed in the said city of Montreal would have been considerably mitigated had the head of the administration complied with the prayer of the corporation; and that the people of the country generally, and more especially the surviving relatives of the one thousand three hundred victims who died in Montreal, and of the thousands in the province who have fallen victims to the disease, look upon the conduct of his Excellency as one of the principal causes of their sufferings and bereavement.

That

That since the aforesaid petition of the Commons of Lower Canada, your honourable House, in whose deliberations be it remembered the people of this province have no voice, have sanctioned the sale of lands belonging to this province to several individuals using the title of "The British North American Land Company," and thereby have taxed this colony, contrary to the most important and indisputable of the birthrights of British subjects, which were more particularly acknowledged and confirmed to colonies with local legislatures, by the faith and honour of the British Parliament, pledged by the declaratory Act of 1778, the violation of which principle, recognised in said Act, led to the rightful and successful resistance of the former British colonies and dismemberment of the British empire; that your petitioners, viewing with alarm such an encroachment upon their political privileges, would fain believe that it has been made without duly considering their constitutional rights and the provisions of the said declaratory Act; that your petitioners nevertheless solemnly protest against this violation of the most sacred rights of the people of Lower Canada, and pray for the immediate repeal of the Act passed in favour of the said Land Company; that your petitioners have reason to believe that the said tax is now being paid into the colonial chest of this province for the disposal of the Executive, without the sanction, and in defiance of the expressed will of the Commons of Lower Canada; that your petitioners anticipate with fear, as a consequence thereof, a frightful increase of corruption in this province; that in addition to the fears generated by this unconstitutional taxation, and the equally unconstitutional application of the said tax, your petitioners foresee, as arising out of the peculiar powers conferred on the company in question, the destruction of the political independence of the people who may unfortunately become subject to its control, and who will be rendered basely subservient to the said company.

That the continued dilapidations of the revenues of the province, in direct violation of the constitution, are another source of alarm to His Majesty's Canadian subjects; that after the abandonment of the late Colonial Secretary's project, to seize upon the said revenues, by suspending an Act which did no more than confirm to the Commons of Lower Canada a right previously recognised, without conferring any new privileges, His Majesty's Canadian subjects did not expect to be so soon called upon to resist similar unconstitutional encroachments and dilapidations; yet very recently the indisputable privileges of the Assembly have been again violated by the payment of the public servants, without the sanction or cognizance of the only body authorized to give such sanction.

That the people of the old colonies, now the United States of North America, however much they were aggrieved by attempts at unconstitutional taxation, had much less to complain of, on the score of executive usurpations than the people of this province, the Assembly having repeatedly declared its fixed determination not to sanction that which it must ever consider a tyrannical violation of its rights, and which the people of this province regard as a virtual dissolution of the constitution, and for the consequences of which your petitioners cannot answer.

That, under these circumstances, your petitioners claim for His Majesty's Canadian subjects the protection of your honourable House against these and similar acts of pillage; that your honourable House may, and ought at once to ascertain, in order to bring to just punishment those who authorized so criminal an assumption of power.

That, inasmuch as no session of the Provincial Parliament has intervened since the date of the aforesaid petition of the Commons of this province to your honourable House, your petitioners abstain from alluding at any length to the insuperable differences and the ever-widening breach between the House of Assembly and the Legislative Council of this province, differences springing out of the very constitution of the latter body; nevertheless, your petitioners cannot avoid reminding your honourable House, that the aforesaid petition contained a prayer that the Legislative Council, as at present constituted, be abolished, and that the people of this province be empowered to elect a second branch of the Legislature in future, as the only means of producing that harmony, without which internal peace and good government cannot exist.

That as an evidence that the people at large fully participate in the opinions of the majority of the House of Assembly, your petitioners take leave to refer your honourable House to the result of the recent elections in the said province of Lower Canada, which avowedly turned upon the approval or the disapproval of the elective principle, and which result is almost unanimously in favour of the said principle.

Wherefore, your petitioners, expressing the sentiments of the majority of the inhabitants of Lower Canada, pray your honourable House to comply with the prayer of the aforesaid petition of the Commons of Lower Canada, dated on the first of March last, and also with that of the present petition, by removing the abuses and grievances set forth therein, so that full justice be rendered to the House of Assembly and to the people whom it represents.

And your petitioners will ever pray.

Lower Canada, December 1834.

Enclosure 4, in No. 1.

LETTER from *David Brown* to Lord Glenelg.

Mr. Neilson presents his respects to Lord Glenelg, and transmits the copy of the petition of the Scotch Church, in Lower Canada, which he had the honour of mentioning to his Lordship yesterday.

He has taken the liberty to add the letter from a member of the Presbytery, by which it was accompanied.

Enclosure 3,
in No. 1.

Petition of
Members serving
in the Assembly of
Lower Canada.

Enclosure 4,
in No. 1.

Enclosure 4,
in No. 1.

Letter from
David Brown to
Lord Glenelg.

Mr. Neilson is fully aware of the disposition of His Majesty's Government to do justice to the Scotch settlers in Canada, and he is persuaded that my Lord Glenelg is well aware of the attachment of the generality of Scotchmen to their national church, and of the merits of its clergy, which are comparatively as great in Canada as in the mother country; but the means of the new settlers do not permit them to recompense these merits, especially in addition to the charge upon the settlers for erecting places of worship. It ought also to be observed, that the legal provision which exists at home for the support of the established clergy has habituated settlers recently from the mother country to be less active in providing a voluntary support for clergymen than those who have been in the habit of providing for them in that way, and the clergymen of the establishments consequently labour under a disadvantage in comparison with religious teachers of other denominations.

His Lordship is, of course, aware that there is a legal provision in Canada for the support of the Roman Catholic clergy, although not compulsory on any excepting those who belong to that church.

To the KING's most Excellent MAJESTY.

The Petition of the Ministers and Ruling Elders of the Presbytery of Quebec, in connexion with the Church of Scotland,

Petition of
Scotch Church
in Lower Canada.

Humbly sheweth,

That your petitioners, impressed with a tender anxiety for the moral and religious interests of that large portion of Your Majesty's dutiful subjects in this Your Majesty's province of Lower Canada, who are by education and conviction attached to the doctrines, discipline and laws of the Church of Scotland, deem it a sacred duty again to approach your throne, and, together with their expressions of unfeigned loyalty and attachment, to submit to Your Majesty's favourable consideration the difficulties which press heavily upon them in a religious point of view, and to solicit your gracious interposition in their behalf, in adopting, or causing to be adopted, such measures as may be found requisite to put them in possession of their undoubted and unquestionable right, an equitable participation with their brethren attached to the Church of England in the profits arising from the clergy reserves in this province.

Your petitioners are the more imperiously urged to make this new appeal to Your Majesty's justice, in consequence of the great additions that emigration and other causes have lately made to the number of persons and families in whose spiritual concerns they feel a lively interest.

The number of Presbyterian congregations in the province of Lower Canada being now fifteen, and many more requiring to be formed, if a newly-settled and widely-diffused population had the means of enabling them, to afford even a partial contribution towards the support of ministers.

Your Majesty's petitioners, may it please Your Majesty, ground their right to this participation, First, on the Act of Union between the two, formerly independent, kingdoms of England and Scotland; which Act guarantees (Article 4th), "That all the subjects of the United Kingdom of Great Britain shall from and after the Union have full freedom and intercourse of trade and navigation to and from any port or place within the said United Kingdom, and the dominions and plantations thereunto belonging; and that there be a communication of all *other rights, privileges and advantages which do or may belong to the subjects of either kingdom, except where it is otherwise expressly agreed in these Articles.*"

Here your petitioners consider their rights to be founded as upon a rock, for if there is any faith to be placed in the most sacred treaties and covenants between nations, they must contend, that it is most solemnly pledged in this contract, a contract ratified severally by the Parliaments of England and Scotland, and which forms the foundation of the British Constitution.

Canada was conquered in 1759, not by England, not by Scotland, but by Great Britain, and, therefore, in Canada the clergy of the Established Church of Scotland are by covenant entitled to an equal communication of all rights, privileges and advantages enjoyed by the clergy of the Church of England, as clearly as that the mariners of Greenock and Glasgow have an equal right with the mariners of London and Liverpool to navigate the St. Lawrence and Lake Ontario.

Secondly, your petitioners, acting in behalf of their Presbyterian brethren aforesaid, found their right to a participation in the profits arising from the clergy reserves, on the provision made by the Statute 31 Geo. 3, for the support and maintenance of a protestant clergy; the 36th clause reserves a seventh of the land for the support and maintenance of a protestant clergy; no preference is given in either clause to the Church of England, no exclusion is mentioned of the Church of Scotland; neither is named; yet, by inference, both must be intended to be included, for both are supported by Government in Great Britain; and as they are the only protestant churches so supported in great Britain, the members of the one church, they humbly and respectfully represent, cannot, without a violation of the Act of Union, be countenanced by Your Majesty in their pretensions to a better right than the members of the other to Government support in Canada, a British province.

Your Majesty's petitioners further beg Your Majesty to consider that the construction put by them upon the provisions in the several clauses of the aforesaid Statute was unanimously confirmed by the deliberate opinion of the law officers of the Crown, in the year 1819, when the question was submitted to them by his late Majesty's Government. Their
opinion

opinion bears, "We are of opinion, that though the provisions made by 31 Geo. III. c. 31, sec. 36 and 42, for the support and maintenance of a Protestant clergy, are not solely confined to the clergy of the Church of England, but may be extended also to the clergy of the Church of Scotland, if there are any such settled in Canada (as appears to have been admitted in the debate upon the passing of the Act); yet that they do not extend to dissenting ministers, since we think the terms 'Protestant clergy,' can apply only to Protestant clergy recognized and established by law."

The same opinion, as stated in former petitions, may it please Your Majesty, has been deliberately expressed by the Houses of Assembly of Upper and Lower Canada, and it has been likewise confirmed by the report of the Select Committee of the House of Commons on Canadian Affairs in the year 1828; which report bears, that "the Law Officers of the Crown have given an opinion in favour of the rights of the Church of Scotland to such participation (an equal participation in the profits arising from the clergy reserves), in which your committee entirely concur."

Your Majesty's petitioners beg further to remind Your Majesty, that the justice of their right to the provision claimed, has been frequently and fully admitted by the distinguished individual who held for the time being the honourable situation of Principal Secretary of State for the Colonies.

The Earl of Bathurst, in a despatch dated "Downing-street, 6th November 1821," addressed to the Earl of Dalhousie, in answer to a memorial from the ministers and elders of the congregations of the Church of Scotland in Canada, makes use of the following words, or words to the following effect:—

"I entirely concur with your lordship in considering as a most important political and moral duty to extend the influence of the Established Church of England and Scotland in the British Provinces in North America, and to make, as far as means will allow, an adequate provision for their respective ministers. A great difficulty arises from the insufficiency of the funds, which might, under certain circumstances, be disposable for this purpose; for although the clergy reserves may ultimately be expected to form a fund adequate to the maintenance both of the Church of England and Presbyterian pastors, in proportion to the number of their respective congregations, yet, in their present state, utterly insufficient as they are to the demands of one established church, your lordship will not impute to me any want of consideration for the Church of Scotland, if I do not consider them in the Lower Province as yet available for the payment of their ministers.

"At the same time, it is very desirable that some means should be adopted for placing a certain number of the ministers of the Presbyterian clergy on a less precarious footing in point of income than that on which they at present stand; and if your lordship could state to me the extent to which provision to them is required, and the amount which might be expected to be derived from the contributions of the members of that church, either in the Province or in Scotland, it would afford me much satisfaction to consider how far it was possible to attend to their wishes."

In a despatch to Lord Dalhousie, dated Downing-street, 3d September 1823, the Earl Bathurst says, "Could such propositions (propositions to the House of Assembly of Lower Canada, for a legislative provision for the Scotch clergy and the English Protestant clergy) be both brought forward in a proper manner, and with reference to the relative importance of the two establishments, I should be happy to recommend to His Majesty to give his sanction to any bills that might be framed to give effect to the principle; but I am afraid that in the present state of feeling in the Legislature of Lower Canada there is little chance of such measures being brought forward, and I much fear that there would be little disposition in the House of Commons to sanction any measure of that necessary charge which must be sustained at home for the support of the English Protestant church in Lower Canada for whom no effective provision is made within the colony, however desirable it might be to afford the ministers of the Scotch church that assistance which their exemplary conduct so much deserves."

In another despatch of the Earl Bathurst to Lord Dalhousie, dated Downing-street, 26th June 1826, his lordship, after acknowledging the receipt of memorials from the different congregations and ministers of the Church of Scotland in Canada, says, "In reply I have to acquaint your lordship that I am of opinion it would certainly be desirable to grant salaries to the ministers of the Church of Scotland, and in the event of any funds being placed at His Majesty's disposal, by the sale of Crown lands in Lower Canada, I shall be very ready to entertain the applications which you have recommended, but at present I can only express my regret that the want of means prevents me from complying with the petitioners' requests."

To a memorial from a committee of the General Assembly of the Church of Scotland, appointed by the Assembly in 1827, to apply to His Majesty's Government for pecuniary aid to the ministers in connection with the said church, resident in Canada, the convener of said committee received an answer from His Majesty's Principal Secretary of State for the Colonies, bearing, "That whenever a congregation in any of those provinces shall have erected a suitable place of worship and be prepared to acknowledge the jurisdiction of the Church of Scotland, and to contribute according to their means towards the maintenance of a minister, upon presenting a memorial to the Governor in council, the Governor will have received His Majesty's commands authorizing him, upon being satisfied that those conditions have been duly complied with, to contribute to the support of the clergymen in such proportion as, together with the contribution of the parties presenting the memorial, may be sufficient to afford him a competent maintenance," &c.

May it please Your Majesty, taking into consideration the admission of the justice of your petitioners' rights by His Majesty's Government, the promise made in the event of any funds

Enclosure 4,
in No. 1.

Petition from
the Scotch Church
in Lower Canada.

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funds being placed at His Majesty's disposal by the sale of Crown lands in Lower Canada, that their applications would be readily entertained, the regret expressed that the want of means only prevented an immediate compliance with their request, the opinion of both Houses of Assembly in Upper and Lower Canada, the assurance given to the convener of the committee of the General Assembly of the Church of Scotland, in answer to their memorial, that whenever any congregation in these provinces had satisfied the Governor thereof that they had complied with certain conditions, he would have received His Majesty's commands authorizing him to contribute to the support of their clergymen, together with the opinion of the Select Committee of the House of Commons on Canadian affairs, in 1828, in their favour, your petitioners cannot refrain from respectfully declaring, with the knowledge which they possess of large sums of money having been appropriated, in the year 1824, by His Majesty's Government, for increasing the salary of the bishop of Nova Scotia from 1,200 *l.* to 3,000 *l.* sterling per annum, endowing two rectories in his diocese at an annual salary of 300 *l.* sterling each, and three rectories in the diocese of Quebec at an annual salary of 500 *l.* sterling each, in the face of these promises, assurances and opinions; and with the further knowledge which they possess of a revenue to a very considerable amount having within these few years been derived from the sale of Crown lands, the sale of clergy reserves and the rents paid by lessees of clergy reserves, (at whose disposal said revenue is placed, where it is or has been applied your petitioners pretend not to know,) that they consider their Presbyterian brethren in this province, a numerous, loyal and respectable people, to have been and still to be most unfavourably dealt with, and to have long patiently, and almost in silence, endured a most serious grievance in not obtaining, many years ago, the benefit of an equitable share of the profits arising from the clergy reserves.

May it therefore please Your Majesty to take the premises into your serious and favourable consideration, and to cause measures speedily to be adopted for giving effect to the opinion of the Committee of the House of Commons, given in the Report in 1828, in favour of the people whom your Petitioners represent, and putting them in possession of their just and lawful right, a participation with their brethren attached to the Church of England in the profits arising from the clergy reserves, "in proportion to the number of their respective congregations."

And that Your Majesty may long live, and in the exercise of your Royal prerogative see that justice be done in all matters pertaining to the just and lawful rights of all classes of Your Majesty's loyal, affectionate and devoted subjects, is the earnest prayer of Your Majesty's petitioners.

In the name, on behalf and by appointment of Presbytery,

(signed) *Alexander Mathieson,*
Moderator.

Quebec, 24th December 1833.

David Brown, Minister.
(A true Copy.)

Sir,

Valentia, 28th March 1835.

The enclosed is a copy of a Petition from the Presbytery of Quebec, to the King's most Excellent Majesty, which was transmitted to the Colonial Office by Principal McFarlane, of Glasgow, convener of the Standing Committee of the General Assembly of the Church of Scotland, when Mr. Stanley was Colonial Secretary, and to which the Presbytery of Quebec have received no answer. The sum and substance of the Petition is this, that the ministers of the Established Church of Scotland who have settled in Canada, are justly entitled to an equal participation with their brethren attached to the Church of England in the profits arising from the clergy reserves.

Should the question in any way be brought forward in the Colonial Office, when you are in England, I hope that you will use your utmost zeal in endeavouring to get us put in possession of our just and lawful rights, or, at any rate, try to obtain from the present Colonial Secretary an answer to our Petition.

You are perfectly aware that the ministers of the Church of Scotland, who have settled in Lower Canada, labour under insurmountable difficulties in propagating the inestimable blessings of the Gospel among their expatriated countrymen, and that the voluntary contributions of the poor settlers are inadequate to support the number of ministers that are at present wanted for the country. We have to contend against an endowed clergy, to whom we do not yield in point of education or loyalty.

And it is certainly not good policy on the part of the British government to give an undue preference to the clergy of the Church of England over those of the Church of Scotland.

It is a melancholy fact, that many persons in Lower Canada, aliens to the British government, usurp the pastoral duties, whose moral habits and imperfect acquirements totally disqualify them for the sacred office, and whose peculiar dogmas, which are instilled into the minds of the people, tend very much to alienate them from the British government.

The present state of things must still become worse if even the few ministers of the Church of Scotland that have settled in the country, are necessitated to abandon their charges for want of government aid and protection equal to what their brethren receive in Upper Canada.

I remain, &c.

(signed) *David Browne.*

GRIEVANCES IN THE CANADAS.

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Enclosure 5, in No. 1.

My Lord,

London, 10th July 1835.

I think it my duty to leave with you, before my departure from London, an extract from the report of the committee appointed to draw up my instructions when I was deputed to this country with the Petitions lately presented to His Majesty and both Houses of Parliament.

This extract will put you in possession of the views of that committee, truly representing, as I believe, about 120,000 souls, comprising a majority of the persons of information, property, enterprise and industry, in Lower Canada.

With respect to the means of providing a more equal representation in the Provincial Assembly, the committee have not been as explicit as on other matters.

It has been suggested that it might be done by giving the Governor power for a limited time to subdivide the cities, and set off, as counties, the *new settlements in the rear of the present counties*, upon petition to that effect from the inhabitants, whenever they amount to a sufficient number, according to the existing Provincial Law, to entitle them to send representatives. It will be observed that a similar power, but much more extensive, was contained in the 14th clause of the Act 31 Geo. 3. cap. 31, commonly called the Constitutional Act; this power was a thing of necessity then to give effect to the new constitution. It is equally necessary now, for these people have in fact no share in the representation, nor is there any probability of its being granted to them by another portion of the people who now hamper their industry, enterprise and extension, and virtually dispose of their persons and property, with very little check or control.

There are other matters which are important to the welfare and security of the North American Provinces particularly.

1st. The settlement of the boundary between the United States, Lower Canada, and New Brunswick.

2d. The state of the currency and its regulation throughout all the North American Provinces, which is become indispensably necessary on account of the regulations adopted in the United States last year.

3d. The removal of all impediments to the settlement of the Waste lands of the Crown, and the facilitating the freedom of communication between the Provinces and the United States; removing, as much as is consistent with the general system of the Empire, all custom-house interruptions.

4th. The quieting the minds of the Roman Catholic clergy of Lower Canada, about the existence of any disposition to interfere with their ecclesiastical institutions and establishments of education; and generally a continuance of whatever is secured by the capitulations and the Act 14 Geo. 3., commonly called the Quebec Act.

5th. A better protection for the remains of the Indian tribes within the Provinces.

On these matters I may have occasion to trouble you with some observations before leaving the United Kingdom.

I beg leave at present, more particularly, to call your attention to the Timber question, now before a Committee of the House of Commons.

It was not expected when I left Quebec, in the beginning of April last, that this question would be agitated this Session. We thought the last alteration of the duties after the general peace in Europe, was final, and particularly after the rejection of a proposed alteration four years ago.

People in Canada had good ground to calculate on the present scale of duties. An immediate alteration would be little better than taking money out of one man's pocket to give it to another.

The announcement of a prospective alteration would discourage those who wish to maintain the connexion with this country, and encourage those who are turning their attention elsewhere.

I have reason to think that the value of the timber exported from Canada in 1833, formed more than one half the value of all the exports from both Provinces, and in 1834, more than *two-thirds* of the whole. It is by means of these exports that the inhabitants supply themselves with what they cannot get on their farms, there being no manufactories in the country, and the climate of Lower Canada generally, allowing of no surplus of corn or provisions.

In truth, the inhabitants of Lower Canada, nine-tenths of whom are chiefly employed in agriculture, have always depended for a supply of everything, but food, and some coarse clothing of family manufacture, on exports produced by some other employments. In early times, it was hunting and fishing; latterly, cutting, getting out, preparing and shipping timber and lumber.

This country has suffered the United States people to occupy the fisheries, and an Act of Parliament, passed some years ago, has turned the fur trade to Hudson's Bay.

An alteration of the duties now would leave the inhabitants of the British North American provinces in a worse situation than those of the United States. It is a fact that lumber brings a higher price in the American ports than at Quebec, that the wages of labour are higher in the adjoining States than in Canada. This is a state of things which British subjects in the Colonies ought not to see increased.

It is hardly necessary for me to point out to you the importance of the North American provinces to this country. As a commercial position, they afford an inlet to British manu-

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in No. 1.

Letter from
J. Neilson, Esq.
relative to Petitions
from
Lower Canada.

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factures and trade to the United States, independent of that power; as a naval station, they command the trade to Europe of nearly all America; for the trade winds and the gulph stream will always force this trade to pass near Nova Scotia and the Banks of Newfoundland. The possession of the Colonies by the United States would give them harbours, coal and timber, in which they are deficient, and enable them to command the trade of nearly all America to Europe, and engross the Newfoundland fisheries. England would become dependent on foreign powers for timber, and lose an important nursery for seamen, without which she would be reduced to the rank of a secondary power, after having been so long "the dread and envy of them all."

I should flatter myself that the interest of the Colonies and the power of England will not be sacrificed to a spirit of innovation, or of theories, which ought rather to be tested by experience at home, under the eyes of the legislators, than in the colonies, who are not represented in Parliament, and whose sufferings cannot so directly reach those who make the experiment.

An alteration of the timber duties, which would diminish the competition with foreigners, and the quantity in the market, could hardly benefit the consumer in this country, as it would assuredly raise the price of the article.

I have, &c.

(signed) J. Neilson.

(Extract.)

Report from Com-
mittee of Instruc-
tion relative to Pe-
titions from Lower
Canada.

Your Committee have approached the subject of the above reference with a deep sense of its difficulty and importance. The instructions to be given to the agent must of necessity be based upon the petition with the conveyance and support of which he is charged.

Your Committee have thought that the objects in view would be best attained by accompanying the draught of the instructions to the agent with a full and distinct statement of the grounds and reasons upon which those instructions proceed. The general heads embraced in the petition are,—

1st. The powers exercised by the Legislature in relation to the monies necessary for the defraying of the charges of the administration of justice and support of the civil government of the province.

2d. The composition of the legislative and executive councils and the means of ameliorating the same.

3d. The securing of the independence of the judiciary and the ameliorating of the existing system of judicature.

4th. The establishment of a more equal and just representation of the people generally in the assembly of the provinces.

The subject of the first contains in it considerations of the highest order in colonial polity,—the just and economical application of the public monies levied within the colony to the greatest advantage without any unnecessary or hurtful interference on the part of the metropolitan authorities, the proper control over public officers, and the maintenance of the just rights of the metropolitan state must be combined in such way as to secure all possible liberty without licentiousness in the colony, and just subordination to the parent state without impairing the rights of free British subjects; even prejudices, when general and inveterate, ought not to be offended except when not to be avoided without compromising great public interests or violating fundamental principles of law and government. It would be neither a pleasing nor an useful task to enter into the details of the various controversies relative to the appropriation of the public monies of the province to its civil expenditure since the year 1818, when the metropolitan government accepted the offer made by the assembly of the province in 1810 to charge the people thereof with the payment of the whole civil expenditure of the colony. Now, however, that for the last three sessions of the provincial parliament the government has been reduced to a state of insolvency with its coffers full of money, thereby impairing the credit of the government, setting an evil example to the people, interrupting the circulation of money, disturbing the relations of commerce and business, and depreciating the value of property of every description, it becomes necessary boldly and impartially, but with all due caution, to examine the causes which have led to such disastrous results, the remedies which may be applied, and the principles which ought to guide the application of those remedies.

The controversies which have led to these results relate principally to the imperial statute 14 Geo. III. cap. 88, and to the legal and constitutional construction of that statute. The opinions which have been maintained in relation to this matter may be distributed under three several heads.

1st. Of those who think that the appropriation of the monies levied under the authority of this statute was a valid and legal appropriation only so long as there was no Assembly within the province, and upon the constitutional act 31 Geo. III. c. 31 going into operation, the control of those monies come to be vested in the local legislature created by that statute. In support of this doctrine it has been said that it is an inherent right in British subjects to impose taxes, and to regulate their application by their lawful representatives; that the 18 Geo. III. c. 12, "For removing all doubts and apprehensions concerning taxation by the Parliament of Great Britain in any of the colonies, provinces, or plantations in North America and the West Indies, &c.," though in its terms prospective, contained a recognition of this principle, so far forth as the peculiar circumstances of that time, and the relations then existing between the old colonies and Great Britain admitted. That the

general

general appropriation through the Lords of the Treasury by the 14 G. III. was justifiable *ex necessitate rei*, and by the uniform usage in the British colonies so long as Canada had no local legislature; but the same usage established the power of the colony to appropriate all the public monies levied therein by and through its own legislature, when and as soon as such legislature was lawfully established, and further that this ancient usage and the principle itself are recognized in the late statutes regulating the possessions abroad of the Empire (6 G. IV. c. 114, s. 13, and 3 & 4 W. IV. c. 59, s. 13.) This opinion has been maintained by the majority in the Assembly since the year 1819.

2. Of those who maintain that the appropriation contained in the 14 G. III. c. 88, was a valid and subsisting appropriation down to the repeal contained in the 1 & 2 W. IV. c. 23.

In support of this opinion it is urged that the duties and the appropriation of the duties being made by one and the same statute, if the appropriation was illegal, so also must be the imposition of the duties, which last had never been pretended by any one. That the Constitutional Act operated no repeal of the 14 G. III. either expressly or by necessary implication, on the contrary that statute provides that all laws, statutes, &c. in force at the time of the Constitutional Act going into operation, should continue in force until repealed, &c. (s. 33.); and it is provided by the 46th section that nothing therein contained shall affect any law which had at any time been made by Great Britain for establishing regulations or prohibitions, or for imposing, levying, or collecting duties for the regulation of the navigation, or for the regulation of the commerce, &c. That by the provincial statute 39 G. III. c. 9, certain duties are imposed upon goods coming into the province, to be levied so soon as the Parliament of Great Britain shall have repealed so much of the 14 G. III. as relates to the payment of rates and duties on goods imported or brought into this province, &c. The plain object of which statute was to set aside the appropriation contained in the 14 Geo. III., and constitutes a legislative recognition of that appropriation; and that the validity of this appropriation had never been questioned previous to the year 1819, nor in Upper Canada at any time. And lastly, that the sections cited above from the late Imperial Acts regulating the possessions abroad implied that that act was in full force. This last consideration is supported by the opinions of the present Lord Chancellor and Sir Charles Wetherell, law officers of the Crown in the year 1824, and the Report of the Committee of the House of Commons appointed to inquire into the State of the Civil Government of the Country, of the 22d July 1828.

3. It has been contended by others, that supposing the appropriation to have been a good and valid appropriation so long as the funds levied under the 14 Geo. III. were sufficient to defray the expenses of the government of Canada; it was otherwise when they became insufficient and the Crown found it necessary to call upon the Colonial Assembly to supply the deficiency. That by such demands, the control of all the public funds of the province came to be in the Assembly, as they could not exercise their judgment upon the quantum to be supplied, without examining the whole of the expenditure. This view of the case is susceptible of two different opinions, which it is important to distinguish and weigh. According to one of these opinions, the provincial legislature would be invested with direct control over all the public funds upon the question of supplying the deficiency. According to the other, the provincial legislature would thereby be invested with a direct control over the deficiency demanded, and could examine the application of the monies appropriated by the 14 Geo. III. only incidentally, and with reference to the quantum of the deficiency. This distinction, though it may appear at first sight somewhat nice, is pregnant with important consequences. If the first of these principles be true, then the application to any purpose whatsoever of the monies levied under the 14 Geo. III. would be an illegal appropriation. According to the other, the Commissioners of His Majesty's Treasury might distribute the whole amount levied under 14 Geo. III. to the general object of the appropriation, in such manner as His Majesty might direct, and the power of Assembly would be confined to the rejection or modification of the demand of supply for the deficiency. Your committee think that the last is the true view of the subject.

The subject has thus far been treated upon strictly legal principles: there are other considerations of public policy appertaining to it.

The power of the colonial legislature to regulate the expenses of the civil government of the colony, when employed to refuse all supply, is an abuse of power. It is essentially a power of regulation within the colony, not of controlling the government without. The necessary officers of government within the colony are officers of the empire as well as of the colony. The refusal of the supplies necessary for the payment of their salaries, must either cast that expense upon the metropolitan government without its consent, and then the colonial is paramount to the metropolitan authority, or the officers must be left without any pay whatever, and then the metropolitan authority over the colony is annihilated by the exercise of a just legal authority, both which positions are contradictions in terms. Where such a contingency occurs, there must be a power in the metropolitan state, through its legislature, to secure the payment of its officers within the colony. And this brings your committee to the consideration of the Imperial Statute of the 1st & 2d W. IV. c. 23. This statute appears to have been passed in pursuance of the recommendation in the Report of the Committee of the House of Commons appointed to inquire into the State of the Civil Government of this Country, of the 22d July 1828, and was made in full confidence that the Assembly would render the Governor, the Members of the Executive Council and the Judges independent of the annual votes of the House of Assembly for their respective salaries. Failing the redemption of this pledge on their part, the assembly cannot complain if the Imperial Legislature should recall that repeal, declaring at the same time the validity of the appropriation, or making by the same Act an appropriation liable to be modified or

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altered by any Act made by His Majesty, with the advice and consent of the Legislative Council and Assembly of the province. This last course seems well adapted to the peculiar situation and condition of this colony. The members of the constitutional association claim no privileges over their fellow subjects of another origin; but the experience of late years has shown a determination on the part of the majority of the Assembly of that origin to make of the power which this repeal has vested them with, an instrument for controlling the metropolitan government, and for reducing their fellow subjects of British and Irish origin to a condition of inferiority, without regard to the public utility, or the principle of equal justice, vesting in the provincial legislature the power of altering and modifying any appropriation which may be made by the Imperial Parliament, secures the government from the danger of being left without any resources for the civil expenditure, at the same time that it gives to the subject within the colony a steady, just and efficient, instead of an arbitrary and capricious, control over the public expenditure; and if this measure embraced the whole of the necessary expenses of the civil government, and rendered the whole of the public funds of the province available for those expenses, without reference either to the particular monies levied under the 14 Geo. III., or to the general appropriation under that statute, this source of discussion would be removed, and the tranquillity of the country would be permanently established. In considering the public affairs of this country, it can never be lost sight of with any safety that the population is not homogeneous, and those rules which may be pursued with safety in a country whose population is homogeneous, will lead to dangerous consequences in a country whose population is composed of two large or unequal and heterogeneous masses of people. It would, however, be essentially necessary, for the success of this measure, that proper precautions should be taken that the holders of office should not at any time have a preponderance in one branch of the legislature, as they would otherwise be enabled to maintain themselves in the possession of greater emoluments than they ought to have.

As the basis of such appropriation, your committee is of opinion that, under no circumstances, ought any appropriation to be made which has not received the sanction of the colonial legislature from the year 1820 to the year 1832 inclusive. The appropriations, though made in the bills of supply in one sum, are based upon the votes of the Assembly to be in their Journals.

As a complement to the foregoing system, it is essential that public functionaries should be amenable before a competent tribunal, to be established within the province, to be tried for offences in office by them committed, whereby, on the one hand, the public functionaries may be protected from calumnies in the honest discharge of their duties of office; and on the other, that all of them may be made liable to trial and punishment for nonfeasance or misfeasance in office, properly cognizable upon impeachment by the Assembly of the province. The only proper tribunal for the trial of such offences would be the legislative council of the province, upon which, in the opinion of your committee, ought to be confined by the same legislative Act which regulates the civil expenditure of the province, the requisite powers to hear, try and determine such impeachments, and upon conviction of the person impeached, to give judgment that he be removed from office, or that he be disqualified to hold any office of honour, trust or profit under the Crown, or both; but to pronounce no other judgment. Every person impeached should nevertheless be liable to indictment and punishment according to law.

2dly. The composition of the Legislative and Executive Council, and the means of ameliorating the same.

Convinced as your committee are, that uniformity of action cannot be attained in a colonial government without an efficient Executive Council, they cannot shut their eyes to the difficulty of selecting fit persons in colonies to fulfil the important duties which devolve upon such a body regularly, the Executive Council performing as it does the functions of a council of state, ought to be composed of the heads of the public departments of the colony, with an admixture, less or greater, of members independent of the government and of the administration for the time being; whether this admixture ought to be equal, superior or inferior in number to the heads of departments, is, in the opinion of your committee, a matter of very serious consideration. The safer course would, perhaps, be to make of the members of the council, unconnected with office, the majority, but certainly they ought to be inferior in number; it is desirable, also, that they should not all be resident in Quebec, but distributed over the other parts of the province, giving to the people at large confidence in the government, and checking cabals in the council itself. The constitution of an Executive Council, composed exclusively of men unconnected with the government, would be imperfect in several particulars; such persons could not give up their time to the details of the duty of executive councillors, they would not have a sufficient *esprit de corps*, and would not have a sentiment of responsibility for the well carrying on of the government, continuous systematic action they cannot bestow. On the other hand, the officers of government, holding their offices during pleasure, having little community of interest or feelings with the mass of the people, naturally disposed to avail themselves of their facility of access to the Colonial Governor to locate the members of their families in office, the disposition to maintain authority and to stifle inquiry when contrary to their official interests, are all drawbacks upon their utility as councillors, and would disqualify them from acting with advantage to the public as such by themselves. These objections might be removed, and would certainly be greatly mitigated, by introducing with them members unconnected with government and the administration. By this course, the government would be careful in selecting efficient heads of departments, each of them would continue to be responsible for

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for his own department, and united, they would be exempt from maintaining abuses or sanctioning inefficiency in any particular department; their respectability would be increased with this increase of their power, and having reached the highest point that they could expect to attain in official advancement, they would have nothing to look forward to, for themselves at least, which could lessen their independence; combined, they would form a body sufficiently strong with the other members to advise the Governor fearlessly and independently.

The present composition of the Executive Council is felt by all to be one of the sources of the weakness of the government, and that weakness has disturbed the equilibrium of the provincial government, joined to the unfortunate composition of the Legislative Council; down to a very late period, the Governors have had recourse to the Colonial Secretaries from time to time, for instructions in all cases of conflicts between the Governors or the Legislative Council with the Assembly. All the intermediate powers between the Colonial Secretary and the Assembly have been thrown down, and the Colonial Secretary, organ of the metropolitan authority, has been brought into direct collision with the representatives of the people in the colony, which it had been the policy of the colonial system to prevent.

The reasons which renders necessary the presence of all the heads of departments in the Executive Council as members thereof, do not seem to extend to the Legislative Council.

The predominance of the officers of government in the Legislative Council would disqualify that body from acting as a barrier to the Assembly, and would not be attended with any beneficial result; too much care cannot be employed in the selection of its members; landed qualifications, which may be of use in England, are contrary to the genius and condition of North American societies; besides the official and landed, with a small sprinkling of the commercial, interest which are now found in the Legislative Council, it should contain a representation of all the other masses of interest in the colony, and should be made at least equal in business talent to the Assembly. The difficulty of selection cannot be denied. The power which has of late years been exercised by each successive Governor, without advice or control, within the Colony, of selecting new members to a large extent, is a very dangerous power; it may at any time be used to support a tottering administration within the Colony, and to render the majority of the Legislative Council *facitio haud dubia regis cujus beneficio in curiam venerunt*.

It is apprehended that no member ought to be recommended for a seat in the Legislative Council whose name was not first submitted to the Executive Council, each of the members of which last-mentioned body should be at liberty to express in writing, quite confidentially, and enter it upon the proceedings of the council, to be transmitted with the recommendation to the Colonial Secretary.

The Executive Council, as now composed of six members, whereof only four reside at Quebec, and discharge the duties of that body, has in it a majority of the officers of the Legislative Council, the clerk, assistant clerk and law clerk of that body; as well upon this point as upon the necessity of keeping apart the legislative and administrative powers, reference may be had to the resolution adopted by the Assembly unanimously on the 10th February 1834, and the Bill passed without a division in any of its stages in that body, intitled, "An Act for securing the Dignity and Independence of the Legislative Council and Executive Council of this Province and of the Judicial Body thereof," and passed in the Legislative Council on the 22d February 1834, seventeen members being present, and only three appearing to vote against the same.

On this Bill, Lord Aberdeen, in his despatch, laid before the legislature in the late sitting thereof, says, "that it raises a question of so much importance in itself, and so intimately connected with the inquiries of the Committee of the House of Commons, which sat during the last Session of Parliament, on the affairs of Canada, that he had, however reluctantly, been compelled to advise His Majesty to postpone his decision upon this proposed law." He adds, "that it would be impossible to detach from the general subject a measure so deeply affecting one of the most important questions in discussion with the House of Assembly; nor does it appear expedient to concur in an insulated measure affecting the constitution of the legislative, executive and judicial bodies, until the whole of these important but complicated inquiries shall have reached a stage in which there may be a prospect of bringing them all to a termination."

This measure having received the concurrent approbation of both Houses, being founded on plain principles of right and public policy, and requiring now only the sanction of His Majesty, at a stage when the committee indulge the hope that there is a prospect of all these matters being brought to a termination, we trust that no exertions will be spared by the agent of the association in obtaining the sanction of His Majesty to this Bill.

3dly. The securing of the Independence of the Judiciary, and the Amelioration of the existing System of Judicature.

Any appropriation made by the Imperial Legislature would contain a permanent appropriation for the salaries of the judges, with their retired allowances, as contained in the Bill which passed the two branches of the provincial legislature, on the 20th January 1831, intitled, "An Act to incapacitate the Judges in this Province for sitting or voting in the Executive or Legislative Councils, to secure the Independence of the Judges in this Province, and for other purposes therein mentioned." As the appropriation contained in this Bill was made a part of a more general measure, touching the commissions of the judges and the composition of the councils, justice would seem to require that the other provisions contained in this Bill, as well as the appropriation in question, should be incorporated in the

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same law, several of its provisions will be found in the Bill above mentioned, intituled, "An Act for securing the Dignity and Independence of the Legislative Council and Executive Council of this Province, and of the Judicial Body thereof," passed in the Legislative Council on the 22d February 1834, which, if sanctioned, would render those several provisions unnecessary in the proposed law; the people of this province are no doubt subject to great inconvenience from the system of judicature now established; the dissensions by which the country has been agitated since the year 1818, in relation to the Civil List, have distracted men's attention from this and other objects of high local importance. These dissensions once allayed, the attention of the local legislature will, doubtless, be directed to the establishment of a more fit system of judicature, corresponding with the increasing population and wants of the province. This matter too is one not touching Imperial rights or powers, but wholly local and affecting colonial interests, and ought, therefore, your committee humbly conceives, to be left to the colonial legislature.

4thly. The Establishment of a more equal and just Representation of the People generally in the Assembly of the Province.

The peculiar condition of Lower Canada, arising out of the diversity of the origin, language and manners of its people, renders necessary the interposition of the authority of the Imperial Parliament to establish the representation in the province, upon a footing of equality with reference to the numbers of these two classes of people. The representation, as it now stands, is manifestly unequal, and an undue preponderance is thereby given over the inhabitants of the colony of British, Irish and American origin. The Act passed in the provincial legislature for the division of counties, would have the effect of rendering this inequality permanent, notwithstanding any accession however great, made to the inhabitants of British, Irish and American origin. The petitions upon this subject, coming from various parts of the country, and the previous proceedings of the association, will be found to contain all the information that is desired upon this head.

Your committee is fully sensible of the delicacy which is rightly felt in England, of interfering by legislative Acts of the Imperial Parliament in the internal affairs of the colonies of the Empire, and they have therefore carefully confined their recommendations to such matters as are of paramount importance, and cannot be regulated by the local authorities. Matters upon the due regulation of which depends the continuance of that connexion between the parent state and this colony, which it is our anxious wish to maintain; and your committee do not hesitate to say as their firm conviction, that peace and good order cannot be maintained within the colony, and that connexion secured, without the immediate adoption of measures of more energy and firmness, combined always with justice, than those which have characterized the proceedings as well in the Colonial Office as in the colony, of late years.

All which, nevertheless, is humbly submitted.

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LETTER from Mr. Walker, &c. to the Right honourable Lord Glenelg, &c. &c. &c.

My Lord,

Letter from Mr. Walker to the Right hon. Lord Glenelg relative to Petitions from Lower Canada.

AVAILING myself of your Lordship's suggestion, that the agents deputed to this country by the constitutional associations of Montreal and Quebec, for the purpose of bringing under the consideration of His Majesty's Ministers and of Parliament various matters of complaint which most injuriously effect the welfare of the inhabitants of Lower Canada, and retard the prosperity of the province, and of enforcing the representations contained in the petitions entrusted to them, and in certain resolutions emanating from public meetings held in the city of Montreal, in the months of November and January last, should from time to time submit to your Lordship, in writing or otherwise, the views which are entertained by the petitioners, in order that instructions of the most comprehensive character may be given to the Commissioners who are on the eve of proceeding to Canada; and taking it for granted that His Majesty's Ministers, pending the proposed investigation, will suspend all discussion or inquiry in England, I take the liberty of directing your attention to the leading points enumerated in the resolutions of the Montreal Association, now in the possession of your Lordship.

1. "The state of pecuniary embarrassment in which the provincial administration has been placed by the conduct of the Assembly, and the expediency of a permanent appropriation being made for defraying the charges of the administration of justice, and the support of the civil government."

2. "The propriety of imposing a restraint on the expenditure of the Assembly, under the head of contingent expenses."

3. "The constitution of the Legislative Council."

4. "The securing of the independence of the judiciary and the establishment of a tribunal for the trial of impeachments."

5. "The necessity of ameliorating the composition of the Executive Council and the Court of Appeals."

6. "The establishment of a fair and equitable representation in the Provincial Assembly."

7. "The

7. The necessity of obtaining from the Imperial Parliament an Act for the establishment of Registry Offices within the Seigniories.

8. The tendency of the feudal tenure to retard the improvement of the Province, and the necessity of obtaining an amendment of the Tenure Act, 6 Geo. 4, c. 59, with a view to its commutation and extinction.

9. The improvement of the navigation of the St. Lawrence.

10. The Lumber trade.

11. The contingent measures of the Union of the Provinces, or the annexation of the countries of Montreal and Vaudreuil to Upper Canada.

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With reference to the first head, I have been instructed to impress upon His Majesty's Ministers the propriety of obtaining from the Imperial Parliament an appropriation from the provincial funds of a sum adequate to defray the civil expenses of the province, and those attendant upon the administration of justice, such appropriation to be permanent in its character, but subject to be repealed or varied by His Majesty, His heirs or successors, by and with the advice and consent of the Legislative Council and Assembly of the province. Should this measure obtain the sanction of Parliament, the casual and territorial revenue of the province, hitherto appropriated at the discretion of the Crown, might be placed at the disposal of the Provincial Legislature, an opinion being generally entertained that the revenue in question should merge in the general funds of the province so soon as an adequate and permanent appropriation shall be made for the support of the Civil Government.

Upon the second head, the recorded proceedings of the House of Assembly, and more particularly the votes of that body, in relation to the indemnity of its members in the form of payment for their travelling expenses and attendance in Parliament, to the defraying of missions to England and retainers to agents here, in support of its own peculiar views; and the invitation not long since given to the people of the country to organize conventions and committees for the purpose of overawing the Government, the Assembly, by resolution, pledging its honour to defray the expenses of such conventions and committees out of the public monies placed at his discretion for purposes connected with the discharge of its constitutional duties, cannot fail to satisfy His Majesty's Government of the necessity of some restraint being imposed upon the expenditure by the Assembly of a part of the public monies under the denomination of contingent expenses, which have been largely and without any justifiable necessity augmented during several successive years, or of instructing the head of the Provincial Executive to adopt such a course as will tend to restore the legitimate control of the other branches of the Legislature with respect to the regulation and disposal of the public funds. Recognizing the Assembly as a constitutional control and a co-equal branch of the Legislature, but denying to it the right of exclusively directing the application of the provincial revenue, the Petitioners denounce, as an unwarrantable usurpation of authority on the part of the Assembly, the power assumed by that body of setting apart a share of the public revenues for the purposes already enumerated, and waiving any consideration of the consequences which might be expected to flow from a salaried Legislature in the peculiar circumstances of the province, and assuming the propriety of an allowance to members, they consider it to be more equitable that such allowance should be levied in the form of local taxes or contribution within the limits of the counties or cities which the members may respectively represent.

The third, fourth and fifth heads are in some degree connected. The Petitioners deprecate any alteration of the principle upon which members are now appointed to the Legislative Council. They consider that body to have acquired a character of independence alike of the Government and of the popular branch of the Legislature, and to be the representative of interests which are denied a voice in the Assembly. The discussions which have taken place and the proceedings of the Council for some years past render it apparent that the supposed influence of the Crown in that body has no foundation in fact; and whilst the principle continues to be acted upon, of excluding all dependants upon executive favour, its deliberations cannot fail to possess a character of independence. An extension of the elective principle to the Council would render it in every respect a counterpart of the Assembly, in which the interests and opinions of one class only of the society are expressed, inasmuch as the mediocrity of circumstances which obtains generally amongst the population would render it impracticable to set apart any class of persons in the province, distinct from the constituents of the Assembly, as electors of those by whom the seats in the Council should be filled.

A bill for securing the dignity and independence of the Legislative and Executive Councils and of the Judicial Body of the Province, which met with the concurrence of the Council and Assembly in the session which preceded the last, was reserved by the Governor-in-Chief for the signification of His Majesty's pleasure. As a measure in accordance with the sentiments of all classes in the province, and calculated to impart a confidence in and respect for the bench of justices, it is desirable that His Majesty's sanction should no longer be withheld.

But one opinion will be found to exist with respect to the necessity of a Court of Impeachment for the determination of misdemeanors and offences committed by public servants, which are not in principle cognizable by the courts of ordinary jurisdiction; and the Petitioners respectfully submit that an authority to this effect might with propriety be confided to the Legislative Council.

An amelioration of the composition of the Executive Council would be partially effected by the sanctioning of the bill alluded to, passed by the two branches of the Provincial

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Legislature, on the 22d February 1834; and further, by the introduction of a greater number of members unconnected with office under the administration, and selected from different sections of the province, with a view of imparting to the people at large, on the one hand, confidence in the measures of government, and to the government, on the other, a more intimate acquaintance with the necessities of the people. Were this body more efficiently organized, and placed upon a footing to command the public respect, it might be permitted to resume that share in the government and concerns of the province which in practice it has long ceased to possess.

The defective constitution of the Court of Appeals has been long apparent. The system of judicature, both as respects the courts of original jurisdiction and the court of appeals, is highly obnoxious to censure. This evil at a comparatively early period attracted the attention of the Colonial Legislature, although it still continues unredressed. By the Executive Council sitting as a court of appellate jurisdiction, justice has never been satisfactorily administered. This court should be composed of persons professionally versed in the laws of the province, and unconnected with either council.

With respect to the sixth head, I would most earnestly crave the attention of your Lordship to the details furnished in the Petition adopted by the two associations respectively. The defects in the existing system are aggravated by an unjust and faulty arrangement for the exercise of the elective franchise under a late Act of the Provincial Legislature, which includes a great majority of the people of British origin, within the limits of countries where a majority of French descent predominate; and a new division and creation of counties, combining the principle of territory with that of numbers as a basis of representation, with a prospective view to the increasing population of the township settlements, is accordingly indispensable for the purpose of securing to a class of the population, virtually, if not by express enactment, deprived of that share in the legislative concerns of the province to which their wealth, intelligence and enterprise forcibly lay a claim, a fair and equitable representation in the Assembly. I have already taken occasion to bring under the consideration of your Lordship the large quorum fixed by the Assembly, which has served to obstruct the public business; and in a recent instance, enabled a part of the House, by voluntarily absenting themselves from their representative duties, to defeat the purposes for which the Legislature had been convened.

If the various matters of grievance alluded to in the resolutions of the Montreal Association, already submitted to your Lordship, as embodying the views of the British population of the colony, were at this time open to inquiry, it would be our duty to call the attention of His Majesty's government to the injurious effects resulting from the system of general and secret mortgages, which, in connexion with the tenure of land, operates to prevent a settlement within the province of emigrants from Britain.

The system alluded to being maintained by a party in the colony, whose proceedings the Petitioners unhesitatingly denounce as pregnant with consequences fatal to the best interests of the colony, with a view to preserve their political ascendancy, it is evident that adequate measures of relief will not be obtained except by a direct intervention on the part of the Imperial Parliament; and when the important interests which are affected are duly considered, it is confidently anticipated that a measure of legislative authority in reference to this subject, founded upon principles which will tend to the general advantage of the community, will be obtained at the hands of the Imperial Parliament.

The Petitioners take a deep interest in the subject under the eighth head. The early extinction of the feudal tenure in Lower Canada, due consideration being had for the rights of private property, is intimately connected with the future peace and prosperity of the country, and cannot be too strenuously urged upon the attention of government.

The fines or dues to which mutations of property situate in the seigniories are liable, are felt to be exceedingly onerous; more especially in the cities and towns, the growth of which these dues have largely contributed to retard, as well as to check the progress of improvement, and where such burthens will not be much longer endured without exciting a feeling that will render a fair and equitable adjustment of the question of compensation for the rights of property a much more difficult matter than it would be at the present moment. It is under this view of the subject, and believing that the proprietors of seigniories, perceiving the growing dislike to the tenure, will be disposed to accede to moderate terms of commutation, that the Montreal Association has directed its agent to solicit the amendment of the Tenure Act, 6 Geo. 4, c. 59, in the manner proposed in the resolutions already alluded to.

The Association desire cautiously to guard against the inference of any intention on their part to interfere improperly or unnecessarily with the rights of ecclesiastic or religious corporations; but to be efficacious the measures proposed must extend to all lands held in *main morte*, or by entail or substitution.

In connexion with this subject, your Lordship will be pleased to refer to the resolutions in respect to the right of property in the seignior of Montreal, claimed and exercised by the gentlemen ecclesiastics of the seminary of St. Sulpice. It being understood that the title to that property is vested in His Majesty, and there being reasonable grounds to believe that an arrangement will be concluded by which the management thereof will revert to the Crown, a fair and reasonable provision being made for the present incumbents, the Association having abstained from recommending the adoption of any measures of an exclusive character, in relation to the peculiar situation of the inhabitants of Montreal, a firm reliance being placed on the favourable disposition of His Majesty's government, in regard to the important interests which are involved in a satisfactory adjustment of the question at issue.

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The improvement of the River St. Lawrence within the geographical limits of Lower Canada, in connexion with the improvements now proceeding in Upper Canada, claims the attention of His Majesty's Government, with reference to the interests, not merely of the two Canadas, but of the empire at large. I believe it to be the nearly unanimous desire of the British population, whose sentiments I am deputed to represent, that the control of this great highway or channel of communication for the two provinces should be transferred to the Supreme Government, and that the desired improvement, as one of a strictly national character, should be confided to its discretion. The regulation of the commerce and intercourse between the two provinces, and the control of the inter-provincial navigation, are clearly within the scope of the authority reserved to the Imperial Parliament by the terms of the Constitutional Act; and this reservation must embrace every thing which is incident to the practical exercise of the power. Under this construction, which is sanctioned by the analogous practice of the Congress and general government of the United States in all matters incidental to the regulation of commerce as one of the enumerated powers reserved to the federal Legislature, the exercise of the suggested control by the Supreme Government of the navigable waters of Canada may be justified. It is, moreover, a measure dictated by considerations of practical expediency, if not of necessity, arising from the peculiar geographical position of Upper Canada, from the restraints imposed upon her commerce and industry by the want of a sea-port subject to her own control, from her dependence upon the Legislature of another and a rival province for those improvements in the navigation of the St. Lawrence beyond her own limits which are essential to her prosperity. From a Legislature which has postponed the completion of the Montreal Harbour to the gratification of personal and vindictive feelings, an improvement of the St. Lawrence upon a scale of befitting magnitude, with a view of affording increased facilities to the commerce of Upper Canada, is hardly to be expected.

In the determination of His Majesty's Ministers to inquire by means of a commission into the alleged grievances set forth in the Resolutions and Petition of the Assembly, and the various causes of complaint which the entire British population have recently brought under the consideration of Government, the Petitioners, whom we represent, cannot fail to recognize an earnest desire to promote the best interests of the province. It would accordingly be unbecoming in me to speculate upon the line of conduct which the colonial executive may be instructed to adopt in the present emergency. The necessity of acting upon the coming instructions from your Lordship's department, and carrying into effect the purposes of the commission, will in all probability require an early renewal of intercourse between the head of the executive and the representatives of the people; but it is to be apprehended that the conduct of the Assembly, and its avowed principles of action, hold out no prospect of a conciliatory adjustment of the existing difficulties, and that an appeal to the sovereign authority of the Parliament of England, as the source of powers which have been so grossly abused, has long ceased to be a matter of discretion or choice, and is now become one of necessity.

There exists at this time within the colony a power without and above the government, which does not even deign to conceal its objects by the adoption of established forms. The Assembly, with a view to cripple the government, have organized permanent conventions to overlook its conduct, and arrogated to themselves all the attributes of sovereignty, without any constitutional claim to the authority which they exercise.

The population, whose sentiments are expressed in the petitions confided to Mr. Neilson and the writer, are swayed by no feelings hostile to their fellow-subjects of French descent. They have no distinct interests to consult. The two classes of society in the province are both the children of one common parent, the government to which they owe equal allegiance. The policy of England, when unchecked by the spirit of party, has hitherto redounded to the prosperity of the country; and when the two classes of its people are more sincerely united, much may be effected for their common advantage, which is now obstructed by the dissensions too sedulously cultivated by the leaders of the Assembly.

There are at this time but two political divisions in the country,—that which is aiding, and that which obstructs the administration of the government. The latter have denounced the government, the constitution, the magistrates, the people of England, and the minority of the population. To discredit the established influence of authority, to inculcate a distrust of British connexion, and to set one order of the country in feud with another, has been the object of the popular leaders in the province; and to these ends the privileges of the representative character and of parliamentary discussion have been abused. The concessions hitherto made to the demands of party have been considered as proceeding from an inability to resist, and not from principle; and respect for authority is accordingly weakened. The first and chief precaution to be adopted is that of controlling the busy spirit of innovation which has arisen in the colony.

Ere concluding, I am desirous of reminding your Lordship, that the views of the association which I have the honour to represent, differ in many particulars from those which the agent of the Quebec petitioners has been instructed to advocate. The association of the District of Montreal, reflecting the opinions of a great majority of the British population throughout the province, claim a redress of the many subjects of grievance described in the resolutions submitted to your Lordship; and your Lordship's assurance, that to all these topics the attention of the commissioners will be directed, demands an acknowledgment of thanks.

Whilst in London it is not improbable that accounts from Canada may suggest the propriety of a renewal of communication with the colonial department; and I venture to

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indulge a hope that any thing connected with the interests of the petition which I may be advised to bring under the notice of the proper authorities will at all times command a share of your Lordship's attention.

I have, &c.
(signed) W. Walker

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in No. 1.

Minute relative to
Recommendations
of Canada Com-
mittee of 1828.

ENCLOSURE 2, in Lord Aberdeen's Despatch to Lord Amherst, dated 2d April 1835.

A MINUTE, showing in what manner the Recommendations of the CANADA COMMITTEE of 1828 have been carried into execution by His Majesty's Government.

IN the following pages Lord Aberdeen will attempt to show that there was sufficient reason to anticipate the entire conciliation of Lower Canada from the accomplishment of the resolutions of the Canada Committee, and that to the utmost of the power of the Crown those resolutions were in fact carried into execution.

The appointment of the Canada Committee of 1828 was, on every account, an important proceeding. The redress of grievances had been demanded, not by an isolated party, but by both of those great bodies which divide between them the wealth and political authority of the province; with views essentially dissimilar or rather hostile, they had concurred in an appeal to the metropolitan government.

By each body of petitioners were deputed agents authorized to interpret their wishes, and to enforce their claims. The committee itself was certainly not composed of gentlemen unfavourable to the views of the great numerical majority of the House of Assembly; they prosecuted the inquiry with great diligence and zeal; they examined the agents of both parties and every other person capable of throwing light on the subject referred to them. None of the questions brought under their notice, either by the petitioners or by the witnesses, was unexplored, and in the result a report was made in which, with an explanation of every known or supposed grievance, were combined suggestions for the guidance of the executive government in applying the appropriate remedies.

The House of Assembly in Lower Canada, in their answer to the address with which the administrator of the government opened the session of the provincial parliament in the winter of 1828, characterized this report in terms which may be transcribed as expressing on the highest local authority the claims of that document to respect, as affording a guide at once to the Canadian Assembly, and to the ministers of the Crown, of the rights to be asserted by the one and conceded by the other. "The charges and well founded complaints (observed the House) of the Canadians, before that august senate, were referred to a Committee of the House of Commons indicated by the colonial minister, that committee exhibiting a striking combination of talent and patriotism, uniting a general knowledge of public and constitutional law to a particular acquaintance with the state of both the Canadas, formerly applauded almost all the reforms which the Canadian people and their representatives demanded and still demand. After a solemn investigation, after deep and prolonged deliberation, the committee made a report, an imperishable monument of their justice and profound wisdom, an authentic testimonial of the reality of our grievances and of the justice of our complaints, faithfully interpreting our wishes and our wants. Through this report, so honourable to its authors, His Majesty's Government has become better than ever acquainted with the true situation of this province, and can better than ever remedy existing grievances and obviate difficulties for the future." Language more comprehensive or emphatic could not have been found in which to record the acceptance by the House of Assembly of the report of 1828 as the basis on which they were content to proceed for the adjustment of all differences. The questions in debate became thenceforth, by the common consent of both parties, reducible to the simple inquiry whether the British Government had, to the fullest extent of their lawful authority, faithfully carried the recommendations of the committee of 1828 into execution.

On a review of all the subsequent correspondence, Lord Aberdeen finds himself entitled to state, that in conformity with the express injunctions and the paternal wishes of the King, His Majesty's confidential advisers have carried into complete effect every suggestion offered for their guidance by the Committee of the House of Commons.

It is necessary to verify this statement by a careful and minute comparison between the advice received and the measures adopted. To avoid the possibility of error, the successive recommendations of the Committee of 1828 shall be transcribed at length, with no other deviation than that of changing the order in which the topics are successively arranged in their report; an order dictated by considerations of an accidental and temporary nature, but otherwise inconvenient as postponing many of the weightier topics to some of comparatively light importance.

First, then, the report of 1828 contains the following advice of the Canada Committee on the subject of finance: "Although from the opinion given by the law officers of the Crown, your Committee must conclude that the legal right of appropriating the revenues arising from the Act of 1774 is vested in the Crown, they are prepared to say that the real interests of the provinces would be best promoted by placing the receipt and expenditure of the whole public revenue under the superintendence and control of the House of Assembly." "If the officers above enumerated are placed on the footing recommended," (that is, in a state of pecuniary independence on the assembly) "your Committee are of opinion that all
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the revenues of the province, except the territorial and hereditary revenues, should be placed under the control and direction of the legislative assembly."

The strict legal right of the Crown to appropriate the proceeds of the statute 14 Geo. 3, c. 88, being thus directly maintained, the renunciation of that right was recommended on condition that "the governor, the members of the executive council and the judges should be made independent of the annual votes of the House of Assembly for their respective salaries." What then has been the result? His Majesty has renounced these his acknowledged legal rights, but has not stipulated for the performance, on the part of the assembly, of the conditions thus imposed upon them, and to the present moment that condition remains unfulfilled. By the British statute 1st & 2d Will. 4, c. 73, which was introduced into Parliament by His Majesty's then confidential advisers, the appropriation of the revenues of the 14th Geo. 3 is transferred to the assembly absolutely, and without either that qualification which the committee proposed, or any other. Here, then, it cannot be denied that their advice has been followed, not only with implicit deference, but in a spirit of concession which they did not contemplate.

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Secondly. On the subject of the representation of the people in Lower Canada, the opinion of the Committee was expressed in the following terms: "Your Committee are now desirous of adverting to the representative system of Lower Canada, with respect to which, all parties seem to agree that some change should take place." After detailing the various causes which had led to an inequality in the number of the members of the assembly in favour of the French inhabitants of the seigneuries, and therefore to the prejudice of the inhabitants of English origin in the townships, the Committee passed from the subject, with the following general remark: "In providing a representative system for the inhabitants of a country which is gradually comprehending within its limits newly peopled and extensive districts, great imperfections must necessarily arise from proceeding in the first instance on the basis of population only. In Upper Canada a representative system has been founded on the compound basis of territory and population. This principle, we think, might be advantageously adopted in Lower Canada."

It was with the entire concurrence of His Majesty's Government that the Legislature of Lower Canada assumed to themselves the duty of giving effect to this part of the advice of the Committee. That report had laid down the general principle, that with one exception, "all changes, if possible, be carried into effect by the local Legislature themselves," and to that principle the Ministers of the Crown adhered, even in a case where the dominant majority of the assembly had an interest directly opposed to that of the great body of English inhabitants, for whose special relief the new Representation Bill was to be enacted. Such a Bill was accordingly passed, and was reserved for the signification of His Majesty's pleasure. It actually received the royal assent, and is, at this day, the law of the province.

In this case also the concessions made to the Canadian inhabitants of French origin were far greater than the authors of the report of 1828 could have had in contemplation. The Upper Canadian principle, of combining territory and population as the basis of elective franchise, was not adopted in Lower Canada; the assembly substituted for it a new division of the country, of which the effect has been to increase rather than to diminish the disproportion between the number of members returned by the English and those representing the French Canadian interest. This result of the Bill was distinctly foreseen by the official advisers of the Crown, and it became the subject of grave deliberation whether His Majesty should be advised to acquiesce in a scheme which followed the advice of the Canada Committee, so far indeed as to effect a material change in the representative body, and so far as to give to the English settlers a few more voices in the assembly, but not so far as to secure to them any additional weight in the deliberations of that house. It is not within the object of this minute to defend or to explain the motives of the ultimate decision in favour of the Bill. For the present purpose it is enough to say, that the acceptance of it gave to the Canadians of French origin far more than the report of 1828 authorized them to expect.

Thirdly. Inferior only in importance to the topics already noticed is that of the independence of the judges, respecting which the following passage may be extracted from the report of 1828: "On the other hand, your Committee, while recommending such a concession on the part of the Crown," (the concession, that is, of the revenue), "are strongly impressed with the advantage of rendering the judges independent of the annual votes of the House of Assembly for their respective salaries. Your Committee are fully aware of the objections in principle which may be fairly raised against the practice of voting permanent salaries to judges who are removable at the pleasure of the Crown; but being convinced that it would be inexpedient that the Crown should be deprived of that power of removal, and having well considered the public inconvenience which might result from their being left in dependence upon an annual vote of the Assembly, they have decided to make the recommendation in their instance of a permanent vote of salary."

Thus the Canada committee of 1828 were of opinion that the judges ought to be independent of the Assembly for their incomes, but ought to continue liable to removal from office at the pleasure of the Crown. Yet, so far have the British Government been from meting out relief to the province grudgingly, or in any narrow spirit, that they have left nothing unattempted which could secure to the judges, not merely that pecuniary independence which the committee advised, but that independent tenure of office also which their report expressly dissuaded. In the adjacent province of Upper Canada, both objects have been happily accomplished. In his despatch of the 8th April 1831, No. 22, the Earl of Ripon

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explained to Lord Aylmer the course of proceeding which had been adopted for asserting the independence of the judges in this kingdom, and signified to the governor His Majesty's Commands to avail himself of the earliest opportunity for proposing to the Legislative Council and Assembly of Lower Canada the enactment of a Bill, declaring, that the commissions of all the judges of the Supreme Courts should be granted to endure during their good behaviour, and not during the royal pleasure; and Lord Aylmer was further instructed, in the name and on behalf of His Majesty, to assent to a Bill for carrying that object into effect. Lord Ripon, however, declared it to be, "of course, an essential condition of this arrangement that an adequate and permanent provision should be made for the judges." It remains to state the result. A Bill was passed by the House of Assembly, by which, indeed, the tenure of the judicial office was made to depend on the good behaviour of the judges, and by which a provision, adequate in amount, was made for them. But that provision was so granted as to be liable to be diminished or taken away by the annual votes of the House of Assembly. To this measure, so popular in its general character or pretensions, were also "tacked," to adopt the usual parliamentary phrase, clauses, by which a right to dispose of the Territorial Revenue of the Crown was assorted, and by which all the public officers in the colony, the governor himself not being expressly excepted, were made amenable to a tribunal to be constituted for the trial of all impeachments preferred by the representatives of the people. Such was the return made to an act of grace, which the Canada committee themselves had expressly dissuaded. To have acquiesced in it would have involved a sacrifice of whatever is due to the dignity of the King, and to the liberties of His Majesty's subjects. His Majesty's assent was therefore withholden, though not without the expression of the deepest regret, and the most distinct offer to assent to any other Bill for establishing the independence of the judges, which should be exempt from such objections. The House of Assembly, however, have never since tendered an act of that nature for the acceptance of His Majesty, or of His Majesty's representative in the province.

Fourthly. The next topic is that of the composition of the Legislative and Executive Councils, respecting which the following suggestions occur in the Report of 1828: "One," it is said, "of the most important subjects to which their inquiries have been directed, has been the state of the Legislative Councils in both the Canadas, and the manner in which these assemblies have answered the purposes for which they were instituted. Your Committee strongly recommend that a more independent character should be given to these bodies; that the majority of their members should not consist of persons holding offices at the pleasure of the Crown; and that any other measures that may tend to connect more intimately this branch of the constitution with the interest of the colonies would be attended with the greatest advantage. With respect to the judges, with the exception only of the Chief Justice, whose presence on particular occasions might be necessary, your Committee entertain no doubt that they had better not be involved in the political business of the house. Upon similar grounds it appears to your Committee that it is not desirable that judges should hold seats in the Executive Council."

With what scrupulous exactness these recommendations have been followed will now be shown. With respect to the judges, Lord Ripon, in the Despatch of the 8th of February already quoted, conveyed to Lord Aylmer His Majesty's commands to signify to the Legislative Council and Assembly His Majesty's settled purpose to nominate on no future occasion any judge as a member either of the Executive or of the Legislative Council of the province. It was added, that the single exception to that general rule would be, that the Chief Justice of Quebec would be a member of the Legislative Council, in order that the members of that body might have the benefit of his assistance in framing laws of a general and permanent character. But His Majesty declared His purpose to recommend even to that high officer a cautious abstinence from all proceedings by which he might be involved in any political contentions of a party nature.

It was not in the power of the King's government to remove from the Legislative Council any of the judges who had already been appointed to be members of that body, because the terms of the Constitutional Act secure to them the enjoyment of their seats for life. But in a private Despatch of the same date, the four gentlemen who had at that time combined the judicial character with seats in the council, were earnestly exhorted to resign their places as councillors, and were assured that nothing should be wanting to rescue them from any possibility of misconstruction as to the motives by which that advice had been dictated or obeyed. In point of fact, it was not accepted; but the judges unanimously agreed to withdraw from all active interference in the business of the council, and have never since attended its sittings. The Chief Justice indeed, as was recommended by the Canada committee, forms the single exception; but even that gentleman, as far as the information of this office extends, has confined his interference within the limits prescribed to him by the committee, and by the Earl of Ripon.

The principles laid down by the committee of 1828 for regulating the composition of the Legislative Council have been not less strictly pursued in every other respect. Since the date of their report 18 new members have been appointed. Of that number, there is not one who holds any office or place of emolument at the pleasure of the Crown, or who is in any other manner dependent upon the favour of His Majesty or of His official advisers. Of the 18 new members ten are of French origin. The total number of councillors is 35, of whom only seven hold public offices. Amongst them is the Bishop of Quebec, who is in the fullest sense of the term independent of the Crown. The Chief Justice, whose dependence is altogether nominal, is another. Of the whole body of 35 members, there remain therefore

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but five, over whom the executive government can, with any reason or plausibility, be said to possess any direct influence.

It is, therefore, not without a reasonable confidence that the words in which the committee of 1828 suggest the proper composition of the Legislative Council may be adopted as precisely descriptive of the manner in which it is actually composed. "A more independent character" has been given to that body. The "majority of the members does not consist of persons holding office at the pleasure of the Crown." This branch of the constitution has been connected "more intimately with the interest of the province," by the addition of a large body of independent Canadian gentlemen.

But the case may be carried still farther, and it may be shown that, in respect to the councils, the efforts of Lord Aberdeen's predecessors have left behind them the advice of the Canada committee. The executive council has also been strengthened by the addition of three members of French origin. A seat was offered to Mr. Neilson, the most prominent of the delegates from the House of Assembly of 1828, and to Mr. Papineau, the speaker of that house. It need scarcely be said that it was impossible to give a more decisive proof of the wish of the ministers of the Crown, that the composition of the Canadian councils should be acceptable to the great majority of the people.

Fifthly. The next in order of the recommendations of that committee relates to the clergy reserves, a subject on which they employed the following language: "As your Committee entertain no doubt that the reservation of these lands in mortmain is a serious obstacle to the improvement of the colony, they think every proper exertion should be made to place them in the hands of persons who will perform upon them the duties of settlement, and bring them gradually into cultivation."

Although the views of the committee were thus limited to the improvement of the clergy reserves, the Government advanced to the redress of the evil indicated in the report, by a measure not only far more decisive, but eminently remarkable for the confidence it expressed in the Provincial Legislature. The constitutional Act having authorized His Majesty, with the advice of the Legislative Council and Assembly, to vary or repeal any of the provisions therein made for the allotment and appropriation of lands for the support of the Protestant clergy, Lord Ripon availing himself of that enactment, proposed that the power of repeal should be exercised by those bodies, and should be accompanied with a declaration that the reserve lands should merge in the general demesne of the Crown. The object of this proposal was to bring the reserves within the reach of the general rules under which all the waste lands of the province are progressively sold to the highest bidder. To prevent any possible misconception of the views of His Majesty's Government, the draft of a Bill for the accomplishment of this design was transmitted to Lord Aylmer, with instructions to give his assent, if such a law should be presented for his acceptance. To obviate the risk of offence being given, by suggesting to the House of Assembly the exact language, as well as the general scope of a measure to originate with them, Lord Aylmer was directed to proceed with the most cautious observance of the privileges of that body, and of all the constitutional forms. Anticipating the contingency of the measure being adopted in substance, but with variations in the terms, Lord Ripon further stated that in that event the Bill was not to be rejected by the governor, but was to be specially reserved for the signification of His Majesty's pleasure.

In obedience to these directions, the Bill was introduced into the House of Assembly, but did not pass into a law. That it would have effectually removed the grievance pointed out by the Canada committee has not been disputed, nor can the ministers of the Crown be held in any sense responsible for the continuance of an evil for which they had matured so complete a remedy. The only explanation which has ever been given of the failure of the proposal is, that the Solicitor-general, Mr. Ogden, had used some expressions, whence it was inferred that His Majesty's Government would reject the Bill if altered in a single word. It is scarcely credible that this should be an accurate surmise of the real cause of the loss of the Clergy Lands Appropriation Bill. It is not to be believed, that the Assembly of Lower Canada would have rejected an unobjectionable proposal for the redress of a grievance of which complaint had been long and loudly made, for no other reason than that a public officer, not of the highest rank or consideration, had used some casual expression in which the ultimate views of His Majesty's advisers were inaccurately explained. To the governor, application could have immediately been made for more authentic information; and in fact the tenor of the despatch which had been received by Lord Aylmer was perfectly well known throughout the province to every person who felt any interest on the subject. The measure has never since been revived; and it must be therefore assumed, that the Assembly are less anxious than Lord Ripon supposed for the removal of this obstruction to agriculture and internal improvement. Be that as it may, the British Government are completely absolved from the responsibility thrown upon them by this part of the report of the Canada committee.

Sixthly. That body proceeding to other subjects connected with the wild lands of the province, expressed their opinion that "it might be well for the Government to consider whether the Crown reserves could not be permanently alienated, subject to some fixed moderate reserved payment, either in money or in grain, as might be demanded, to arise out of the first ten or fifteen years of occupation." They add, "that they are not prepared to do more than offer this suggestion, which appears to them to be worthy of more consideration than it is in their power to give to it; but that in this, or in some such mode, they

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are fully persuaded the lands thus reserved ought, without delay, to be permanently disposed of."

In pursuance of this advice, Lord Ripon directed the sale of the Crown reserves throughout the province, as opportunity might offer, precisely in the same manner as any other part of the royal demesne. The system has undergone an entire change, and the Crown reserves considered as distinct allotments, left in their wild state to draw a progressive increasing value from the improvement of the vicinity, have no longer any existence.

Seventhly. Another abuse connected with the wild lands of Lower Canada was noticed by the Committee in the following language: "One of the obstacles which is said greatly to impede the improvement of the country is the practice of making grants of land in large masses to individuals who had held official situations in the colony, and who had evaded the conditions in the grant, by which they were bound to provide for its cultivation, and now wholly neglect it. Although powers have been lately acquired by the government to estreat those lands, and although we think that, under certain modifications, this power may be advantageously used, we are nevertheless of opinion that a system should be adopted similar to that of Upper Canada by the levy of a small annual duty on lands remaining unimproved and unoccupied contrary to the conditions of the grant.

The remedial measure of a tax on wild land, which is suggested in the preceding passage, could of course originate only with the representatives of the people, and the House of Assembly have not indicated any disposition to resort to that mode of taxation. To such a Bill, if tendered by them, His Majesty's assent would have been cheerfully given; yet the King's government did not omit to avail themselves of all those remedial powers with which the Crown is intrusted. It is little to say, (though it may be stated with the strictest truth) that since the date of the report the system reprobated by the committee, of granting land in large masses to individuals, has been entirely discontinued; it is more material to add that this change in practice is the result of a series of regulations established on Lord Ripon's advice in Lower Canada, and indeed throughout all the other British Colonies. The system of gratuitous donations of land has been abandoned absolutely and universally, and during the last three years all such property has been disposed of by public auctions to the highest bidder, at such a minimum price as to ensure the public at large against the waste of this resource by nominal or fictitious sales. This is not the occasion for vindicating the soundness of that policy which, however, if necessary, it would not be hard to vindicate. It is sufficient for the immediate purpose of this minute to have shown that on this as on other topics the Ministers of the Crown did not confine themselves to a servile adherence to the mere letter of the Parliamentary recommendation, but embraced and gave the fullest effect to its genuine spirit.

Eighthly. The Committee sought to relieve the province, not only from the evils of improvident reservations and grants of wild lands, but from those incident to the tenures on which the cultivated districts are holden. The following passages on this subject appear in their report: "They do not decline to offer as their opinion that it would be advantageous that the declaratory enactment in the Tenures Act respecting lands held in free and common soccage should be retained. Your Committee are further of opinion that means should be found of bringing into effective operation the clause in the Tenures Act which provides for the mutation of tenure; and they entertain no doubt of the inexpediency of retaining the seigneurial rights of the Crown, in the hope of deriving a profit from them. The sacrifice on the part of the Crown would be trifling, and would bear no proportion to the benefit that would result to the colony from such a concession. The Committee cannot too strongly express their opinion that the Canadians of French extraction should in no degree be disturbed in the peaceful enjoyment of their religion, laws and privileges, as secured to them by the British Acts of Parliament; and so far from requiring them to hold lands on the British tenure, they think that when the lands in the seigneuries are fully occupied, if the descendants of the original settlers shall still retain their preference to the tenure of Fief et Seigneurie, they see no objection to other portions of unoccupied lands in the province being granted to them on that tenure, provided that such lands are apart from, and not intermixed with the townships."

The British Government are again entitled to claim of having to the utmost possible extent regulated their conduct by the language, and still more by the spirit of this advice.

No application has been made for the creation of a new seigneurie, as indeed the period contemplated by the Committee when the seigneurial lands would be fully occupied still seems very remote. It is almost superfluous to add that no attempt has been made to superinduce upon those lands any of the rules of the law of England.

The Crown has also been prompt to bring into the most effective operation the clause of the Canada Tenures Act, which provides for the mutation of tenures; but no lord or censitaire having hitherto invoked the exercise of the powers of the Crown, they have, of necessity, continued dormant. Respecting the soccage lands, some explanation seems necessary. The general principle adopted by the committee, in the passage already quoted, is, that the inhabitants, both of French and of British origin, should respectively be left in the enjoyment of the laws regulating the tenures of their lands derived from their different ancestors, and endeared to either party by habit, if not by national prejudices. It has already been shown that the French Canadians have enjoyed the benefit of this principle to the fullest possible extent; in the anxiety which has been felt to gratify their wishes, it

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may not be quite clear that equal justice has been rendered to the inhabitants of British descent. The maintenance of so much of the Canada Tenures Act as rendered the soccage lands inheritable and transmissible according to English law, was most unequivocally recommended in the extracts already made from the report. The Provincial Legislature, however, in their session of 1829, made provision for the conveyance of such lands in a manner repugnant to this British Statute; of course His Majesty could not be advised to assent to a law which directly contravened an Act of Parliament. Such, however, was the anxiety of the King's Ministers to avoid every needless cause of jealousy, that a Bill (1 Will. IV. c. 20) was introduced into Parliament by Lord Ripon, and passed into a law, in order to relieve His Majesty from this difficulty. The Canadian Act was then accepted; nor was this all, striving to multiply to the utmost possible extent every proof and expression of respect and confidence towards the provincial Legislature, the Government introduced into the British Statute, which has been last mentioned, a further enactment, of which the effect was to absolve the Canadian Legislature in future from every restraint laid upon them by any Act of Parliament regulating the various incidents of the soccage tenure in the province. The barriers erected for the defence of the British settlers by the caution of Parliament in the years 1791 and 1826, were thus overthrown, in order that there might be the fewest possible exceptions to the principle of confiding to the Canadian Legislature the regulations of the internal interests of Lower Canada. No one will deny that this unsolicited concession was made in the spirit of the most large and liberal acceptance of the advice of the Canada committee, so far at least as the views and interests of the dominant majority of the House of Assembly are concerned.

Ninthly. The next is the subject of the Jesuit's estates, in reference to which the views of the Committee of 1828 are expressed as follows: "With respect to the estates which formerly belonged to the Jesuits, your Committee lament that they have not more full information, but it appears to them to be desirable that the proceeds should be applied to the purposes of general education."

Far, indeed, beyond the letter of this advice did the concessions made by His Majesty on the advice of Lord Ripon proceed; not only were the Jesuit's estates "applied to purposes of general education," but the Provincial Legislature were authorized to determine what specific purposes of that kind should be preferred, and the proceeds of the estates were placed for that purpose unreservedly under their control. No suggestion has been made impeaching the fulness of this concession, except as far as respects certain buildings occupied for half a century past as a barrack; even if a rent should be payable by the Crown for the use of those barracks (the single question admitting of debate), it would be idle on that ground to deny either the importance of the concession made, or the almost unbounded confidence in the House of Assembly, perceptible in the form and manner in which the Crown renounced to them, not merely a proprietary right, but even an administrative function.

Tenthly. To the positive recommendations which have already been considered, succeeds another, of which the end is rather to dissuade than to advise the adoption of any specific measure: "The Committee (it is said) are desirous of recording the principle which, in their judgment, should be applied to any alterations in the constitutions of the Canadas, which were imparted to them under the formal Act of the British Legislature of 1791. That principle is to limit the alterations which it may be desirable to make by any future British Acts, as far as possible, to such points as, from the relation between the mother country and the Canadas, can only be disposed of by the paramount authority of the British Legislature, and they are of opinion that all other charges should, if possible, be carried into effect by the local Legislatures themselves, in amicable communications with the local government."

So rigidly has this principle been observed, that of two Acts of Parliament which since 1828 have been passed, with reference to the internal concerns of the province, the common object has been so to enlarge the authority of the provincial Legislature as to enable His Majesty to make, with their concurrence, laws to the enactment of which they were positively incompetent. The Acts in question are those already noticed, by which the revenues of Geo. 3. were relinquished, and the regulation of soccage tenures was transferred to the governor, council and assembly.

Eleventhly. "The committee," again to borrow their own words, "recommended for the future, that steps should be taken by official securities, and by a regular audit of the accounts, to prevent the recurrence of losses and inconveniences to the province, similar to those which had occurred in Mr. Caldwell's case, and, as connected with this branch of the inquiry, they recommended that "precautions of the same nature should be adopted with regard to the sheriffs."

In reference to these suggestions, Sir George Murray proposed to the House of Assembly, and Lord Ripon repeated the proposal, that the public accountants should pay their balances, at very short intervals, into the hands of the commissary-general, tendering the security of the British Treasury for the punctual repayment of all such deposits. The scheme embraced a plan for a regular audit and for the punctual demand of adequate securities. Sir James Kempt and Lord Aylmer were successively instructed to propose to the Legislative Council and Assembly the enactment of such a law. The proposal was accordingly made to the Assembly in the year 1829, and was repeated in the year 1832. On each occasion it was the pleasure of the House to pass it by in silence. That they had good reasons for their

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conduct it would be unjust and indecorous to doubt. Those reasons, however, remain to this moment completely unknown to the Executive Government, who, having exhausted all their authority and influence in a fruitless attempt to give effect to this part of the Canada committee's recommendations, cannot, with any reason, be held responsible if they still have failed to produce the advantage contemplated to the province at large.*

Twelfthly. A further recommendation of the committee is conveyed in the report in the following terms: "Your Committee also beg leave to call the particular attention of the Government to the mode in which juries are composed in the Canadas, with a view to remedy any defects that may be found to exist in the present system."

Here again the Government pressed upon the House of Assembly the importance of giving effect to the views of the committee, and in fact, a law has received the Royal Assent, having for its object the improvement of the jury system—an object which has been pursued by those methods which the House of Assembly themselves devised or adopted.

Thirteenth. The report proceeds to recommend, "That the prayer of the Lower Canadians for permission to appoint an agent in the same manner as agents are appointed by other colonies, which possess local Legislatures should be granted."

His Majesty's Government have accordingly repeatedly authorized the governor to assent to any Bill which might be passed for that purpose. No such Bill has, however, been presented for Lord Aylmer's acceptance. The Assembly, in opposition to the advice of the committee that the habits of other colonies should be followed as a precedent, have chosen to nominate, by resolutions of that House alone, gentlemen deputed to represent them in this kingdom, but who have not, as in other colonies possessing Legislative Assemblies, been appointed by an Act of the entire Legislature.

Fourteenth. Upon the most careful perusal of the report of 1828, no other recommendations can be found addressed to the King's Government, although the committee, addressing themselves in that instance rather to the local Legislature, have advised that mortgages should be special, and that in proceedings for the conveyance of lands, the simplest and least expensive forms of conveyance should be adopted, upon the principles of the law of England; that form which prevails in Upper Canada being probably, under all circumstances, the best which could be selected; and that the registration of deeds relating to soccage lands should be established as in Upper Canada. "In addition," it is added, "to these recommendations, it appears to be desirable that some competent jurisdiction should be established to try and decide causes arising out of this description of property," (that is, the soccage lands), "and that Circuit Courts should be instituted within the townships for the same purposes."

In these passages, the design of the committee was to administer to the relief of the settlers of English origin, and their claims were pressed by Sir George Murray on the attention of the Assembly. Some advance has been accordingly made towards the establishment of a registry of deeds and of local courts in the townships. Respecting the law of mortgages, and the forms of conveyancing, it does not appear that the Assembly have hitherto interposed for the relief of that part of the constituent body.

Concluding at this point, the comparison between the advice tendered to the Government and the measures adopted in pursuance of it, it may be confidently asserted that the general statement made at the commencement of this minute has been substantiated. To the utmost limit of their constitutional power and legitimate influence, successive administrations have earnestly and successfully laboured to carry the report of 1828 into complete effect in all its parts. It has already been shown with how cordial an acquiescence that report was received by the House of Assembly, with what liberal eulogies the talent, the patriotism, the knowledge and the intimate acquaintance with Canadian affairs of its authors were commanded; how that document was hailed as the faithful interpretation of the wishes and wants of the Canadian people; and how the British Government were called upon by the House of Assembly to look to that report as their guide in remedying existing grievances, and obviating difficulties for the future. That this guide should have been studiously followed, that its suggestions should have been invariably construed and enforced, with no servile adherence to the letter, but in the most liberal acceptance of its prevailing spirit, and yet that such efforts should have been unavailing to produce the expected conciliation, may well justify the deepest regret and disappointment.

(signed) *Aberdeen.*

* They have not, however, abstained from such measures as were within their own power. They have established a fire-proof vault with three keys, held by three separate officers of high rank, all of whom must be present whenever it is opened, and they have provided that the Receiver-general shall not hold in his hands any balance exceeding 10,000 *l.* without depositing it in this vault, and that once at least in every year the contents of the vault shall be inspected or reported on by five persons named by the governor for the purpose. They have also taken security from the Receiver-general to the extent of 10,000 *l.*, with two sufficient sureties, and have required him to render statements of his accounts on the 1st of January, 1st of April, 1st of July and 1st of October in every year.

— No. 2. —

COPY of a DESPATCH from Lord Glenelg to His Majesty's Commissioners of Inquiry in Lower Canada.

My Lord and Gentlemen,

Downing-street, 17 July 1835.

No. 2.

Despatch from
Lord Glenelg to
Commissioners of
Inquiry,
17 July 1835.

THE general objects of the mission to Lower Canada, with which His Majesty has been pleased to entrust you, are explained in my accompanying despatch of this date. The purpose of my present communication is, to lay down for your guidance such rules as appear to me necessary respecting the mode in which your duties as commissioners should be performed.

1. For your assistance in the execution of the powers confided to you, His Majesty has been pleased, on my recommendation, to appoint Mr. Thomas Frederick Elliot to be your secretary. The station which that gentleman has for some years past occupied in this department has rendered him familiar with the recent political history of the Canadian provinces, and, generally, of British North America. He will bring to the office for which he has been selected, the still more important qualifications of general ability, of talents both natural and acquired for civil business, and of the habitual discretion and secrecy learned by the devotion of several years to official life.

2. I have concerted with the Lords Commissioners of the Admiralty all the arrangements necessary for your conveyance to Quebec. You will embark for that port on board His Majesty's ship the *Pique*, now lying at Spithead under sailing orders.

3. I have made with the Lords Commissioners of the Treasury all necessary arrangements for defraying the expenses of the commission, and for the remuneration of the two junior commissioners and of the secretary. For your information on those subjects I enclose copies of the correspondence which has passed between my under-secretary, Sir George Grey, and the assistant-secretary of the Treasury.

4. The confidence which His Majesty so unreservedly places in your discretion might seem to supersede the necessity of my prescribing any regulations respecting the forms to be observed in the conduct of your duties as commissioners. But although I am anxious that you should be fettered by no needless restrictions, yet experience forbids me to suppose, that on any occasion like the present there may not be some advantage in prescribing some few elementary rules of procedure, especially since the relaxation or entire abrogation of them might be readily authorized by His Majesty, if in the result they should prove either inapplicable or inconvenient.

5. Your official inquiries must of course be conducted either by the examination *vivâ voce* of witnesses, or by the inspection of documents. I do not anticipate any difficulty in your procuring, either in original or otherwise, all records and papers which you may find it necessary to inspect. The attendance of witnesses unwilling to give their testimony, or the obtaining full answers from any reluctant witness who may attend, may be occasionally accompanied by serious embarrassment. His Majesty has conferred upon you no powers to compel obedience to your citations; I am not aware that it would have been possible to arm you with any such authority, still less am I convinced that it would have been expedient. You proceed to Lower Canada on a mission of conciliation and peace, and could not, without much danger to your success, appear in the province enforcing a new and invidious, and indeed a doubtful power. I do not, however, suppose that any general reluctance will be felt to lay before you such information as you may be desirous to obtain. The various officers of the government will attend your citations as a matter of course, and as a part of their duty to His Majesty. One large section of the Canadian people will, it may be presumed, press forward to establish the complaints which they have urged against the dominant majority in the Assembly: their antagonists will not, probably, allow such evidence to pass without contradiction; and if in any case a resistance should be opposed to your inquiries, it will, I trust, yield to the influence of the courtesy, kindness and respect which will characterise your demeanour toward all classes of the King's subjects in the province. I am not anxious that you should be armed with any sterner authority.

6. I have hitherto assumed that your investigations are to be conducted in a formal and official manner, by the examination of evidence either oral or docu-

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mentary. There are, however, other means not less valuable of acquiring an accurate view of the state of affairs in the province, of which you will avail yourselves.

Especially you will, as opportunity may offer, enter into an unrestrained intercourse with the inhabitants of different classes, whether of French or English origin; whether engaged in commerce or in agriculture, or in any of the learned professions. Maintaining at all times due circumspection and reserve in the expression of your own opinions, you may acquire a great insight into the prevailing state of public feeling, by watching with an observant eye all the indications afforded at public meetings, voluntary associations, or in the ordinary intercourse of society. Nor will the political writings and periodical literature of the province escape your notice. In short, you will give that wakeful attention to whatever is passing around you, indicative of the political state of Lower Canada, which a rational curiosity would recommend to persons holding no official station.

7. It may be convenient, for the more effectual prosecution of your inquiries, to transfer the meetings of the commission from Quebec to some other of the principal towns of Lower Canada, and especially to some places in the eastern townships. Occasionally also it may be necessary to communicate with persons residing in places remote from those towns, and not conveniently accessible by the commissioners collectively. To meet exigencies of this nature, you will transfer your sittings to any place within the province which you may think most convenient for the purpose; or you will delegate either of the junior commissioners, or the secretary, to collect evidence and prosecute investigations in places not adapted to receive the whole commission.

8. Any two of the three commissioners should form a quorum for the dispatch of business; the absence of any one, however, is to be deprecated, except on the pressure of some evident necessity: the chief commissioner will especially attend as often as his duties as governor of the province will permit. It is superfluous to remark, that his convenience will be habitually consulted in this respect by his colleagues, as they would be prompt to anticipate any instruction of that nature.

9. All questions proposed for decision at any meeting must be decided by the majority of votes; such votes being given by the commissioners in the reverse of the order in which they are named in the commission.

10. The secretary (except during the occasional absences already supposed) will be present at all your deliberations; not indeed to vote, nor even, in the proper sense of the term, to deliberate jointly with yourselves, but to assist by such suggestions or statements as he may think it right to communicate.

11. In the event of any difference of opinion arising between you, upon any question connected with your commission, it will be important to observe that no separate communications from any member of the commission must be addressed to this department. Each commissioner will be at liberty to record his own views on the minutes, and to controvert, in the same place, any statement or argument of any of his colleagues. Such written discussions will, of course, be conducted with the temper and in the style appropriate to such an occasion. When completed, and not till then, the secretary will transcribe the whole of such entries, which must then be transmitted to this department for His Majesty's decision.

12. All communications to the Secretary of State will be made in your joint names, and subscribed with your respective signatures; all other correspondence will pass, in the name of the commissioners, through the secretary.

13. You will avail yourselves of the service of the secretary, so far as you may find it practicable or convenient, in drawing up resolutions or other documents to be entered on your minutes. It will probably be found that papers framed, not by one of yourselves, but by your principal officer, will be more unreservedly discussed, and more frankly subjected to the necessary revision, than if the plan were reversed.

14. I cannot too earnestly enjoin upon you the observance of the most careful circumspection to prevent the premature disclosure or detection of the conclusions which you may be disposed to adopt upon any of the subjects of your inquiry; any indiscretion in this respect might greatly embarrass His Majesty's Government, and frustrate the successful issue of the mission. Even in the questions to be proposed to witnesses, and in the very tones and manner of the querist, this habitual caution should be exercised. It is of the utmost importance to prevent the jealousies and to keep alive the good-will of all the parties concerned.

15. In the accompanying despatch you will find some intimations of the order in

in which your inquiries are to be pursued and your reports presented. In other respects you will exercise your own judgment, as to the number of separate reports which it will be most expedient to make, and as to the order in which they should follow each other. His Majesty's Government are anxious for the completion of your duties, by the earliest period compatible with the effective discharge of them. Your reports must be completed and signed in Lower Canada; for I have reason to expect that the chief commissioner will, after the close of the commission, remain in the province as governor, to give effect to the measures which it may be thought right to adopt: it will, therefore, be impossible to postpone the completion of your reports until after your return to Europe. I will only add, that those reports will be most conveniently made in the form of communications addressed to the Secretary of State, for the information of His Majesty.

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I have, &c.
(signed) *Glenelg.*

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COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 17 July 1835.

I HAVE the honour herewith to transmit to your Lordship, first, a commission under the great seal, constituting you governor and commander-in-chief of the provinces of Lower and Upper Canada; secondly, a similar commission for the government of Nova Scotia and Prince Edward's Island; and thirdly, a separate commission for the government of New Brunswick. With these commissions your Lordship will receive the usual instructions under His Majesty's sign-manual, explanatory of the general rules according to which the powers they confide to you are to be exercised.

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Lord Glenelg to
the Earl of Gosford,
17 July 1835.

In my despatch of this date I have conveyed to your Lordship, to Sir Charles Edward Grey, and to Sir George Gipps, the commission under the great seal, addressed to yourself and to them jointly, constituting you and them His Majesty's commissioners of inquiry in Lower Canada.

The object with which I now address your Lordship is, to convey to you, in obedience to the King's commands, His Majesty's pleasure regarding several subjects upon which you will be called to take some step, not as chief commissioner, but in your character of governor of Lower Canada, and upon which it will be both practicable and expedient to act promptly and at once, without awaiting the investigation and reports of the commissioners.

Your Lordship proceeds to Canada at a moment of no common difficulty and importance. In every part of the instructions with which, either as chief commissioner or as governor, you are charged, conciliation and the reconciliation of all past differences are studiously presented as the great objects of your mission. It is therefore needless to reiterate on the present occasion the admonitions which you have already received, to secure the confidence of the House of Assembly, and to cultivate the good-will of the Canadian people of all ranks and classes. I am well assured that in the absence of any such injunction your Lordship would have exercised, in the high office with which His Majesty has entrusted you, that discretion and urbanity which are so eminently required for the satisfactory performance of your arduous duties.

It may not, however, be improper to address to your Lordship one caution of a different nature. Whatever may be the ground of the disputes which have so long prevailed between the executive government and the House of General Assembly of the province, it could not with any degree of truth, or even of plausibility, be alleged that they have either originated, or have been prolonged, with a view to any interests, real or imaginary, excepting those of the people of Canada themselves. No motive could possibly be assigned as influencing British policy towards this part of His Majesty's dominions, except the advancement of the social welfare of the inhabitants, and the development of the resources of the country. In promoting these great ends, the King has found an object worthy of the noblest ambition, and of the most earnest solicitude. Even if the counsels submitted to His Majesty for the government of Lower Canada were admitted to be as injudicious as they have been sometimes described to be, yet, even on that supposition,

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the singleness and disinterestedness of the motives by which His Majesty's confidential advisers have been actuated, would be beyond dispute. What has Great Britain to gain by the misgovernment of so important a portion of the British empire? There is no single ground of national competition which could induce the metropolitan state to abuse her authority, or which should make that authority a subject of reasonable distrust to the Canadian people. If it could with any justice be supposed that those who are honoured with a place in His Majesty's more immediate counsels, could be diverted, by the sordid desire of patronage, from the upright discharge of duties so clear and important as those which they owe to British North America, yet it is demonstrable that so unworthy a motive has not exercised the slightest influence on their deliberations. I do not find, for many years past, a solitary example of any place, excepting that of the governor himself, and one or two of the chief officers of customs, having been conferred in Lower Canada on any person except the settled inhabitants of the province, or in consequence of any recommendation but that of the governor. No British Minister, during the present or the last reign, has ever used the patronage of British North America either to promote his political power, or the personal advantage of himself or his connexions. I need scarcely add, that His Majesty is firmly resolved to enforce the observance, in future, of the same just and liberal policy.

Your Lordship, therefore, proceeds to Lower Canada to advocate no British interest, and to secure no selfish ends. To maintain the peace and integrity of the empire, and to mediate between contending parties by whom those blessings have been endangered, is the high and honourable trust confided to you.

I am consequently entitled to claim for your Lordship, and for the constitutional authority which you will exercise as governor of Lower Canada, the respect due in every part of the King's dominions to the representative of His Majesty. Prepared to make every just concession which the well-being of the province may require, His Majesty's confidential advisers will not lend their sanction to any proceedings involving the sacrifice of what is due to the dignity, correctly understood, of His Majesty's Crown and person.

On your Lordship's arrival in Lower Canada, the first and most urgent demand upon your attention will be the means of defraying the arrears due to the public officers for their salaries: for this purpose it will probably be necessary to convene a very early session of the legislature. I do not venture peremptorily to prescribe this measure; but unless reasons, drawn from local circumstances of which I am ignorant, should appear to your Lordship to forbid this course, it will then, I apprehend, be the most expedient.

In the communication which your Lordship will proceed to make to the Assembly in His Majesty's name, you will, in effect, announce that the King is most solicitous and firmly resolved to provide, as far as may be possible, for remedying all the grievances affecting His Majesty's subjects in Lower Canada, of which complaint has been made to Him: that especially, with regard to the disputed question of revenue, the King is disposed to place under the control of the representatives of the people all public money payable to His Majesty, or to His officers in the province, whether arising from taxes or from any other Canadian source; but that this cession cannot be made except on conditions which must be most maturely considered: that to arrange such conditions for the consideration of the Assembly, is one of the principal objects of the commission which His Majesty has been pleased to confide to your Lordship and to your colleagues: that your inquiries into that subject will be undertaken with the utmost promptitude, and pursued with unceasing diligence: that in a session to be holden in the commencement of the year 1836, you hope to submit to the Assembly proposals for such an arrangement: that you are commanded by His Majesty to request that in the meantime the Assembly will provide for the payment of the arrears now due to the public servants in Lower Canada, and for their maintenance pending the inquiry: that upon such a vote being adopted, you are authorized on the part of His Majesty to engage that no part of the casual, territorial or hereditary revenues accruing in the interval shall be applied to any purpose whatever, unless with the assent of the House of Assembly, but that the whole intermediate proceeds of that revenue may be allowed to await the result of the proposed investigations. Your Lordship's address will further comprise an application for the repayment to the military chest of the sum of 31,000 *l.*, advanced in the autumn of last year to meet the exigencies of the public service.

I have stated the substance rather than the terms of this address, because I am unwilling

unwilling needlessly to fetter your Lordship's discretion as to the selection either of topics or of particular expressions; aware that, in that respect, you will enjoy within the province itself advantages in which no person residing beyond its limits can fully participate.

I trust that the House of Assembly will meet the application thus to be made to them, by placing at your Lordship's disposal the funds necessary for carrying on the public service, pending the inquiries of the commissioners. If that hope should be fulfilled, there will be an end of all difficulties which might otherwise impede the prosecution of your inquiries, and the adjustment of the questions in dispute. If on the other hand the House should decline to meet your proposals, and should refuse to afford leisure for those inquiries which must inevitably precede the adjustment of the financial question, then (with whatever reluctance I contemplate such a contingency) measures of a different kind must be adopted, and these I now proceed to explain.

If the conciliatory assurances of the address to be made by yourself to the House of Assembly, shall unhappily prove insufficient to induce the Assembly to grant the supplies as proposed, even during the intended inquiry, then your Lordship would be left in possession of no local resources for defraying the charges of the administration of justice and of the civil government, except those revenues of which His Majesty is in possession, either in right of the Crown, or under permanent grants made by the Assembly in former times. In the unfortunate case which I am thus compelled to contemplate, it would remain for your Lordship to apply those local resources, as far as they will extend, towards the expenses of the judicial and other civil establishments: you would, however, immediately report to the Secretary of State the difficulty to which you had been reduced, in order that His Majesty's Government might submit to both Houses of Parliament the measures necessary to meet so extreme an emergency. Your Lordship would also be at liberty to apprise the public officers of the province that the Ministers of the Crown unreservedly acknowledged it to be their duty to employ all constitutional means for the protection of public servants against the loss of emoluments earned in His Majesty's service.

It may however be anticipated as the most probable result of your Lordship's address to the Assembly, that they will meet your application for a supply, by demanding a warrant to defray their own contingent expenses. To that demand your Lordship will accede cheerfully and at once.

Whether the Assembly at their meeting on your Lordship's arrival, shall accede to or refuse the applications for a supply pending the inquiries of the commissioners, those inquiries must proceed with all practicable dispatch and care, in order that instructions for your Lordship's guidance, to be founded on the financial report of the commissioners, may be received in the province in time for a session to be holden as early as may be possible, in the spring of 1836. In pursuance of the intention already announced, I now proceed more immediately to the consideration of the subjects which are not noticed in my instructions to the commissioners, but in regard to which your Lordship will have to act promptly and at once as governor of the province.

1. It is alleged that the patronage of His Majesty's government in Lower Canada has been exercised in such a manner as to exclude the Canadians of French descent, not only from the larger number, but from all the more lucrative and honourable of the public employments in their native country.

The abuse of patronage is said to extend still further; some persons are represented as having been preferred to offices, in performing the duties of which they are unable to communicate, except through an interpreter, with the great body of those with whom their affairs are to be transacted. Other successful candidates for office are represented as persons who had made themselves justly offensive to the House of Assembly; while, on the other hand, employments created at the instance of that House with a view to public improvements, have, it is alleged, been studiously denied to those whom the governor had reason to believe would be most acceptable to the Assembly.

It would be scarcely possible to find any terms more emphatic than those employed by the Earl of Ripon, to enjoin the utmost impartiality in the distribution of public offices in Lower Canada, without reference to national or political distinctions, or to any consideration, except that of superior capacity and fitness for the trust. I adopt my predecessor's instructions in their fullest extent; I concur with him in thinking that personal merit and skill, or knowledge, qualifying a candidate

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for the vacant trust, are the chief circumstances to which the governor of the province must have regard; and that in the distribution of offices, it is impossible to adhere with any minute exactness to the rule which the numerical proportion subsisting between the two races might afford. But your Lordship will remember that between persons of equal or not very dissimilar pretensions, it may be fit that the choice should be made in such a manner as in some degree to satisfy the claims which the French inhabitants may reasonably urge to be placed in the enjoyment of an equal share of the Royal favour. There are occasions also on which the increased satisfaction of the public at large with an appointment, might amply atone for some inferiority in the qualifications of the persons selected. To take the most effectual security in His Majesty's power against the recurrence of any abuse in the exercise of this part of His delegated authority in Lower Canada, the King is pleased to command that, in anticipation of any vacancies which may occur in the higher offices in that province, and especially in all judicial offices, your Lordship should from time to time transmit to the Secretary of State, for His Majesty's consideration, the names of any gentlemen resident in Lower Canada, whom you may think best qualified to perform such trusts with advantage to the public. His Majesty proposes to authorize the nomination, as opportunity may occur, of the persons so to be submitted for His choice; having regard to such representations as He may receive from your Lordship, or from any other adequate authorities, respecting the competency of such persons to the public service. His Majesty is further pleased to direct that all offices in the gift of the King, of which the emolument shall amount to or exceed 200 *l.* per annum, shall be granted under the public seal of the province, in pursuance of warrants to be issued by His Majesty for that purpose; and that, except when the successful candidate shall have been previously approved by His Majesty in the manner already mentioned, he should be informed that his appointment is strictly provisional, until His Majesty's pleasure could be known. The control which it is thus proposed to establish over the hitherto unlimited powers of the governor, is not designed and will not be used as a means of securing to His Majesty's confidential advisers in this kingdom any beneficial patronage whatever. I have already expressed my entire approbation of the system hitherto observed, of considering public employments in Lower Canada as properly appropriate to the inhabitants of the province. Without giving a pledge against any deviation from that rule in any solitary case (for such a pledge might in the event prove embarrassing to all parties, and prejudicial to the welfare of the province), I can yet have no difficulty in acknowledging the rule as a general maxim from which no departure should be admitted, unless on grounds so peculiar as plainly to justify the exception.

It has also been represented, that in some cases the same individual is charged with numerous offices of which the duties are incompatible, either by creating a larger demand on the time of the officer than any one man is able to meet, or by placing him in situations of which the appropriate functions clash and interfere with each other. From the generality of the terms in which this complaint has been made, it has not been in my power to ascertain the extent or reality of this grievance; but in whatever degree it may be found to exist, your Lordship will understand that His Majesty expects that it should be completely remedied: that all persons occupying any such incompatible employments should be called upon to renounce such as they cannot efficiently execute; and that in future the general rule must be, that no person should be entrusted with any office of which he cannot discharge the proper duties with due punctuality and method in his own person.

2. Complaint is made of an unjust partiality in favour of the use of the English language in all official acts. The foundation of this complaint appears to be, that 13 years ago a Bill for the union of the two Canadas was brought into Parliament by the then Government, which, had it passed into a law, would have made English the single official language of both. I have no motive for defending a scheme which was rejected by the House of Commons. A case is also said to have occurred at the distance of about 11 years since, in which the Judges refused to entertain an action, because some part of the proceedings had been written in the French language. This is admitted to be an isolated case; and it is acknowledged, that neither in the courts of law nor in the legislature is any preference of one language over the other really shown. I therefore do not find any grievance on this subject susceptible of a remedy; nor is it in my power to strengthen the injunctions of Lord Ripon, on the impropriety of any such preference of the English over the French tongue. As, however, the complaint has been again urged by

the House of Assembly, your Lordship will take the earliest opportunity of assuring them, that His Majesty disapproves, and is desirous to discourage and prevent to the utmost of His power, the adoption of any practice which would deprive either class of his subjects of the use in their official acts of that tongue with which early habits and education may have rendered them most familiar. Your Lordship will signify your willingness to assent to any law which may give, both to the French and the English inhabitants, the most ample security against any such prejudice.

3. Reference has been made to certain rules of court made by the Judges, of which the earliest have been in force for 34 years, and the latest for 19; and which are said to be illegal, and even to amount to a violation of the faith of treaties, and of the pledges of the King and Parliament. It is admitted, that until the year 1834 those rules had been followed, without any complaint having been preferred to His Majesty's Government: I can, indeed, undertake to say, that until the fact was stated in evidence before the Canada Committee of last year, the existence of such rules was altogether unknown in this country. Here, as on so many other topics, I am compelled to revert to the instructions of the Earl of Ripon, and to instruct your Lordship to renew the proposal which he authorized Lord Aylmer to make to the provincial legislature, that a commission should be appointed to revise any rules of court made by the Judges; and that on the report of such a commission, all such rules as are either contrary to law or inexpedient should be revoked. I am not less solicitous than my predecessor, that such an inquiry should be made to embrace all the practice and proceedings of the superior tribunals, with a view to rendering them more prompt and methodical, and less expensive. If the House of Assembly should think that these objects can be better effected by any other method than that of a commission of inquiry, you will concur with them in carrying it into effect.

4. It is said that exorbitant fees have been exacted in some public offices. I have met with no proof or illustration of this statement. You will, however, acquaint the House of Assembly that His Majesty will be happy to concur with them in the revision of the fees of every office in the province without exception, and in the appointment, should they think it expedient, of a commission of inquiry for the purpose. His Majesty has no wish on the subject, but that the remuneration of all public officers, from the highest to the lowest, should be so regulated as to provide for the efficient discharge of the public service; an object which cannot be secured without a fair remuneration to the persons employed by the public.

5. A complaint is made of the practice of calling upon the Judges for extra-judicial opinions on public questions. Here again I know not how to reduce the general statement to any specific form; I can therefore advance no further than to lay down, for your Lordship's guidance, the general rule, that you do not call upon the Judges for their opinion on any question which, by the most remote possibility, may subsequently come before them for decision. I should scarcely hesitate to interdict the practice of consulting them, altogether and without a solitary exception, if I did not remember that there are public contingencies in which the King would, for the common good of his subjects, be bound to take counsel with his Judges. Such cases, however, will be exceedingly infrequent, and will arise only upon some of those great emergencies for which it is scarcely possible, or even desirable, that any definite provision should be made beforehand. To protect the independent exercise of the judicial office, not only against just censure, but even against the breath of suspicion, will be amongst your constant studies and most anxious endeavours.

6. Complaint is made of the interference of the government and the Legislative Council in the election of members of the Assembly. With this general charge, I can deal only in terms equally general. If any such practice prevailed, of which however there is no proof before me, your Lordship will avoid with the utmost care every approach to it. I acknowledge, without any reserve or limitation, the duty of the executive government of Lower Canada to abstain altogether from interference, direct or indirect, in the choice of the representatives of the people: such an encroachment on the principles of the constitution would be unattended even with a plausible prospect of temporary advantage. I earnestly hope that the Assembly were misinformed as to the existence of any such practices; for I am well convinced, that it is by very different methods that the legitimate authority and influence of the King's government in Canada is to be maintained.

7. I have read, not without deep concern, the language in which the House of Assembly have spoken, in their 92 resolutions, of the conduct of the troops during

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the elections at Montreal : it is described as a sanguinary execution of the citizens by the soldiery. Anxious as I am to conciliate, by all just concessions, the favourable regard of the House, I am bound, by the strict obligations of justice to the British army, to protest against the application of such language to any part of a body, not less distinguished by their humanity and discipline, than by their gallantry. The House had appointed a committee to inquire into those proceedings, and had not received the report of the committee when they proceeded to pronounce this censure on the conduct of His Majesty's troops. The officers had been indicted before a grand jury of the country, and the bills had been thrown out for want of evidence. In assuming to themselves the power to inquire, the Assembly exercised their legitimate privilege : in passing a sentence of condemnation pending that inquiry, and in direct opposition to the finding of the proper legal tribunal, they exceeded their proper authority, and acted in opposition to the parliamentary usages of this country. Nor can I receive such an unauthorized expression of opinion with that deference which it is my duty and inclination to show for every judgment of the House, falling within the appropriate sphere of their deliberation.

8. The Assembly further complain that there is no method by which legal demands against the government can be enforced in the province. In the absence of any distinct proof or illustration of the fact, I can only express His Majesty's desire that effectual means may be taken for remedying this alleged defect in the law.

9. The too frequent reservation of Bills for the signification of His Majesty's pleasure, and the delay in communicating the King's decision upon them, is a grievance of which my inquiries lead me to believe the reality. Your Lordship will understand that the power of reserving Bills, granted by the Constitutional Act of 1791, is an extreme right, to be employed not without much caution, nor except on some evident necessity. You will also have the goodness to remember the indispensable necessity of transmitting, with the least possible delay, the transcript of every law of which the operation is suspended for the signification of the Royal pleasure ; and of accompanying every such transcript with such full and minute explanations as may be necessary for rendering the scope and policy of them perfectly intelligible, and for explaining the motives by which your Lordship may have been influenced in declining to give your decision in the first instance. You will pledge His Majesty's Government in this country to the most prompt and respectful attention to every question of this nature which may be brought under their notice.

10. My predecessors in office are charged with having, on various occasions, neglected to convey to the House His Majesty's answers to the addresses presented to him by that body. Whether this statement could be verified by a careful examination of any particular cases, I am unable to state with certainty ; nor on such a subject is it fit to make a conjectural statement. Your Lordship will, however, assure the House, that His Majesty has been pleased to command, in the most unqualified terms, that every communication that either branch of the provincial legislature may see fit to make to him, be laid before His Majesty immediately on its arrival in this kingdom, and that His Majesty's answer be conveyed to the province with the utmost possible dispatch. The King cannot, however, forget that the delay which may occasionally have taken place in making known in the province His Majesty's decision upon reserved Bills, or upon addresses from either House of General Assembly, may in some instances have been either occasioned or prolonged by circumstances which no promptitude or zeal in His Majesty's service could have obviated ; as, for example, the rigour of the Canadian climate obstructing, during a certain period of the year, the direct approach to Quebec and Montreal, and the imperfect nature of the internal communications through His Majesty's dominions in North America.

11. Much complaint is made of the refusal of information for which the House of Assembly have at different times applied to the governor of the province. After a careful examination of the proceedings of the latest session in which any such applications were made, I have not been able to avoid the conclusion that there is just ground for the complaint. I do not perceive that any advantage would arise from entering in this place into a very exact survey of the communications between the House and the governor respecting the production of papers. It is more useful, with a view to the future, to state the general principle by which your Lordship will be guided. I think, then, that the correspondence between your Lordship and the Secretary of State cannot be considered as forming part of those documents of which

which the Assembly are entitled to demand, as a matter of course, the unreserved and universal inspection or perusal. In the official intercourse between His Majesty and His Majesty's representative in the province, conducted as such intercourse necessarily is through the intervention of the Ministers of the Crown, much confidential communication must necessarily occur. Many questions require to be debated copiously, and in all the various lights in which they may present themselves to the governor or to the Secretary of State: and in such a correspondence it is necessary to anticipate emergencies which eventually do not occur, to reason upon hypothetical statements, and even to advert to the conduct and qualifications for particular employments of particular individuals. It would be plainly impossible to conduct any public affairs of this nature, except on such terms of free and unrestrained intercourse. It is no less plainly impossible to give general publicity to such communications, without needless injury to the feelings of various persons, and constant impediment to the public service. A rule which should entitle a popular assembly to call for and make public all the despatches passing between the King's Government and His Majesty's local representative, would so obstruct the administration of public affairs, as to produce mischiefs far outweighing the utmost possible advantage of the practice.

In the same manner, there will occasionally be communications, in their own nature confidential, between the governor and many of his subordinate officers, which should also be protected from general publicity.

But though I think it right to make this general reservation against the unlimited production of all public documents, I am ready to acknowledge that the restriction itself may admit and even require many exceptions; and that in the exercise of a careful discretion, the governor, as often as he shall judge it conducive to the general good of the province, may communicate to either branch of the legislature any part of his official correspondence, such only excepted as may have been expressly declared or manifestly designed, by the Secretary of State, to be confidential.

But I am not aware of any other document connected with the public affairs of the province, the concealment of which from the Assembly would be really useful or justifiable: especially whatever relates to the revenue and expenditure in all their branches, or to the statistics of the province, should be at once and cheerfully communicated to them. For example, it will be desirable to make to the two Houses such a communication of the blue books, or annual statistical returns, which are compiled for the use of this department; and your Lordship will solicit the assistance of the two Houses of the local legislature, in rendering those returns as accurate and as comprehensive as possible. In short, the general rule must be that of entire freedom from reserve. The particular exception, as it arises, must be vindicated by the terms of the preceding instructions, or by some explanation sufficient to show that secrecy was demanded, not for the protection of any private interest, but for the well-being of the province at large. In every case in which the production of any paper, in answer to any address of either House, may be refused, your Lordship will immediately transmit to this office a statement of the case, with an explanation of the grounds of your decision.

12. The occupation as a barrack of the buildings which anciently were part of the Jesuits' college, is strongly reprobated by the Assembly. I can only remark that this exception from the general transfer of the Jesuits' estates to their disposal, was made and vindicated by Lord Ripon on a ground which has rather acquired a new force, than lost any of its original weight. After an occupation of those buildings for this purpose, for much more than half a century, there has accrued to the Crown a prescriptive title, of which however His Majesty has never sought to avail himself. The King is, on the contrary, anxious that the buildings should be restored, as promptly as possible, to their original use; nor will that measure be delayed for a single day, after other and adequate provision shall have been made for the accommodation of the troops; but it is needless to remark that His Majesty has no funds at his disposal for that purpose. The proposed transfer of all the sources of local revenue to the House of Assembly has deprived the King of the means of providing for this, or any similar service. It must rest therefore with the house to erect or purchase other barracks sufficiently commodious for the garrison, upon which the Board of Ordnance will immediately issue the necessary instructions for evacuating the buildings at present occupied for that purpose.

13. The lease of the forges of St. Maurice to Mr. Bell has been made, and is now irrevocable. I do not conceal my regret, that this property was not disposed

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of by public auction, to the highest bidder. Whatever arrangements may be hereafter settled respecting the territorial revenue, it will be necessary to prevent the granting of any Crown property on lease in the same manner by private contract, and more especially when the contractor is a member of the Legislative Council.

14. Impediments are said to have been needlessly raised to the endowment of colleges by benevolent persons. I fear it is not to be denied, that some unnecessary delay in deciding upon Bills reserved for His Majesty's consideration, having such endowments for their object, did occur: a delay chiefly attributable to political events, and the consequent changes of the colonial administration in this kingdom. I have no wish to withhold a frank acknowledgment of error when really due, to the House of Assembly; because I am persuaded that in that frankness they will perceive the best assurance of the sincerity, with which, on behalf of the Ministers of the Crown, a pledge is given for the more prompt and exact attention hereafter, to every measure which has for its object the institution in the province, of any colleges or schools for the advancement of Christian knowledge or sound learning.

15. On the subject of the clergy reserves, of which complaint is still made, the arrangements proposed by Lord Ripon leave His Majesty nothing further to concede. The whole question has been referred to the decision of the provincial legislature. To obviate misconceptions, the draft of a Bill for the adjustment of the claims of all parties was framed under his Lordship's directions, and brought into the House of Assembly. Anticipating the possibility that this Bill might undergo amendments in its progress through the two Houses, materially affecting its character, Lord Ripon had instructed the governor in that event not to refuse his assent, but to reserve the Bill for the signification of His Majesty's pleasure. The loss of the Bill is however ascribed to the solicitor-general having in his place in the House stated, that no amendment would be permitted. The solicitor-general's expressions may have been misunderstood; but if this was their purport, not only was the statement unauthorized, but directly at variance with the spirit of the instructions of the Home Government. I much regret the misapprehension, in whatever cause it may have originated. It may perhaps be ascribed to the fact, that Lord Aylmer did not think himself at liberty to produce to the House the Earl of Ripon's despatches on the subject. Your Lordship will immediately communicate copies of them, inviting the Council and Assembly to resume the consideration of the question upon the terms of Lord Ripon's proposal, to every part of which they may be assured of His Majesty's continued adherence.

16. Lord Aylmer's refusal to issue a writ for the election of a new member of the Assembly, upon the declaration of the House that M. Mondelet's seat had become vacant, is condemned by that body as a violation of their rights. The question has lost much, if not all, of its practical importance since the passing of the recent law for vacating the seats of members accepting places of emolument under the Crown. Still, in justice to Lord Aylmer, I am bound to affirm the accuracy of the distinction in reference to which he appears to have acted. In cases where the vacancy of a seat may, consistently with existing usages, be notified by the House to the governor without assigning the cause, he is bound to presume that the adjudication of the House is right, and must carry it into effect by issuing a new writ. But in cases where usage requires that in the notification to the governor the cause of vacancies should be stated, then, if the cause alleged be insufficient in point of law, the governor is not at liberty to comply with the request of the House. The concurrence of the governor and the House in any measure, cannot render it legal, if it be prohibited by the law of the land. To that rule obedience is emphatically due by those to whom the constitution has assigned the high functions of legislation and of the executive government. If, therefore, Lord Aylmer rightly judged that M. Mondelet's seat had not been lawfully vacated, his Lordship adhered to the strict line of duty in declining to issue the writ for which the House applied. If he entertained a serious and honest doubt on the subject, his Lordship was bound to pause until that doubt could be removed by competent judicial authority. The subsequent introduction by statute of a law for vacating seats in such cases as that of Mr. Mondelet's, would seem sufficiently to establish that his acceptance of office was not followed by that legal consequence.

17. I now approach the case of Sir John Caldwell. It is a subject which has uniformly excited the deepest regret of my predecessors; and I need hardly add, that

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that I partake largely of that feeling. His Majesty's Government have offered to the province every reparation which it has been in their power to make, for the original error of allowing monies to accumulate in the hands of a public officer, without taking full securities for the faithful discharge of his trust: they have placed at the disposal of the Assembly whatever could be recovered from Sir John Caldwell, or from his sureties; and your Lordship will now, on the terms to which I have referred in my accompanying despatch, be authorized to surrender to the appropriation of that House, the only funds by which His Majesty could have contributed towards making good the defalcation. Every practicable suggestion has also been made to the Assembly, for preventing the recurrence of similar losses. Nothing, in short, has been left undone, or at least unattempted, to mitigate the evil which the inadequacy of the securities taken from Sir John Caldwell, and the accumulations of public money in his hands, occasioned. Perhaps the legal proceedings against his property might be carried on with greater activity and effect; and if so, your Lordship will lend your aid with the utmost promptitude to that object. It is, indeed, much to be lamented, that for so many years together, on such a case as this, the law should have proved inadequate to secure for the public such property as was in the possession of the defaulter, or his securities, at the time of his insolvency.

I feel, however, that incomplete justice has hitherto been rendered to the people of Lower Canada, in Sir John Caldwell's case. That gentleman has been permitted to retain his seat at the Legislative Council, and still holds that conspicuous station. Whatever sympathy I may be disposed to feel for individual misfortune, and in whatever degree the lapse of years may have abated those feelings of just indignation which were provoked by the first intelligence of so gross a breach of the public trust, I cannot, in the calm and deliberate administration of justice, hesitate to conclude, that it is not fitting that Sir John Caldwell should retain a seat in the legislature of Lower Canada: his continuance in that position, and his management and apparent possession of the estates which formerly belonged to him in his own right, must exhibit to the people at large an example but too justly offensive to public feeling. Your Lordship will cause it to be intimated to Sir John Caldwell, that the King expects the immediate resignation of his office of legislative councillor; and that in the event of the failure of that reasonable expectation, His Majesty will be compelled, however reluctantly, to resort to other and more painful methods of vindicating the government of the province against the reproach of indifference to a diversion of public money from its legitimate use to the private ends of the accountant.

I am not aware that there remains a single topic of complaint unnoticed, either in the preceding pages or in my accompanying instructions to your Lordship and your fellow commissioners. It has been my endeavour to meet each successive topic distinctly and circumstantially, neither evading any of the difficulties of the case, nor shrinking from the acknowledgment of any error which may be discovered in the administration of affairs so various and complicated. I dismiss the subject for the present, with the expression of my earnest hope that His Majesty's efforts to terminate these dissensions may be met by all parties in the spirit of corresponding frankness and good-will; assured that, in that case, His Majesty will not be disappointed in that which is the single object of his policy on this subject,—the prosperity of Canada, as an integral and highly important member of the British empire.

I have, &c.

(signed) *Glenelg.*

— No. 4. —

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 18 July 1835.

No. 4.

Despatch from
Lord Glenelg to
the Earl of Gosford,
18 July 1835.

I HAVE the honour to enclose for your Lordship's information, the copy of a letter written by Mr. Baring*, the Secretary to the Lords Commissioners of the Treasury, by their Lordships' directions, in which will be found an explanation of their views and wishes respecting the repayment by the province of Lower Canada, of the sum of 31,000 £. advanced by Lord Aylmer on the 27th November last,

* 11th instant.

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under their Lordships' sanction, for meeting the pressing exigencies of the public service, during the non-session of the House of Assembly.

In my despatch of the 17th instant, No. 1, I have entered so much at large into the various financial arrangements which it will be your Lordship's duty to make or to propose to the Assembly, that on the present occasion I limit myself to the expression of my entire concurrence in the views of the Lords of the Treasury on this subject, and of my deep solicitude that this claim upon the justice of the House of Assembly may be met by that body in a frank and cordial spirit. Your Lordship will consult your own discretion as to the manner in which the question may be most conveniently brought under their notice; not, however, postponing the application for the repayment of this advance beyond the earliest period which you may deem consistent with the important objects to which your attention has been directed. Whether the case will be most advantageously submitted to the provincial legislature by laying before them a copy of Mr. Baring's letter, supported by a recommendation from yourself, or by an address conceived in the terms, or at least in the spirit of that letter, will be a question for your own consideration.

I have, &c.
(signed) *Glenelg.*

(Enclosure.)

(Enclosure.)

Sir,

Treasury Chambers, 11 July 1835.

I AM directed by the Lords Commissioners of His Majesty's Treasury to request that you will call the earnest and immediate attention of Lord Glenelg to the subject of the repayment of the sum advanced from the military chest in Lower Canada, in aid of the civil government of that province, under Lord Aylmer's warrant of 27th November 1834; and that you will move Lord Glenelg to give directions that such steps should be taken as his Lordship may consider expedient, in order that this advance, made by the express sanction and authority of His Majesty's Government, under a peculiar and most pressing emergency, and to provide against any interruption of the public service by the non-payment of salaries then two years in arrear, may be repaid.

His Lordship is well aware that this advance was exclusively made from British funds, for the purpose of avoiding the course which on former occasions had been so strongly objected to, and with the intention of scrupulously abstaining from any act which could prejudice the question at issue between the House of Assembly in Lower Canada and the government, or which could throw difficulties in the way of the final and satisfactory adjustment of these unhappy differences.

My Lords trust that Lord Glenelg will impress upon the minds of the Canadian authorities their Lordships' hope that a confidence thus marked in the just and liberal feelings of the House of Assembly, will not have been misplaced, but that an advance thus made with a view to prevent any interruption of the civil business of the colony, and any unjust pressure on public servants, and made in a manner not to compromise any of the questions at issue, will be cheerfully repaid; the legislature of the province doing justice to the principles by which the conduct of His Majesty's advisers has been governed.

I am, &c.

R. W. Hay, Esq.

(signed) *F. Baring.*

— No. 5. —

COPY of a DESPATCH from Lord *Glenelg* to Sir *F. B. Head*, К. С. Н.

Sir,

Downing Street, 5 December 1835.

No. 5.
Despatch from
Lord Glenelg to
Sir F. B. Head,
5 December 1835.

I HAVE the honour herewith to transmit to you, a commission under His Majesty's sign-manual, appointing you lieutenant-governor of the province of Upper Canada.

You have been selected for this office at an era of more difficulty and importance than any which has hitherto occurred in the history of that part of His Majesty's dominions. The expression of confidence in your discretion and ability which the choice itself implies, would only be weakened by any more formal assurance which I could convey to you.

In the following instructions, I shall presuppose your knowledge of many occurrences, the correct understanding of which is essential to the discharge of the duties to which you are called, but which it is unnecessary for me to recapitulate. As, however, a more exact acquaintance with Canadian affairs is indispensable for
your

your guidance in the administration of the government of Upper Canada, I think it right to refer you to those sources of information on which you will be able most safely to rely. Amongst these, the first place is due to the journals of the Legislative Council, and of the House of General Assembly. The appendices subjoined to the annual summary of the proceedings of the two Houses, contain a fund of information on almost every topic connected with the statistics and political interests of the province; and to those reports you will be able to resort with far greater confidence than to any other source of similar intelligence. The Report of the Committee of the House of Commons of the year 1828, with the evidence, oral and documentary, to which it refers, will also throw much light on the progress and the actual state of the questions agitated in the upper province. The correspondence of my predecessors and myself, with the officers who have successively administered the provincial government, will of course engage your careful attention.

In Upper Canada, as in all countries which enjoy the blessing of a free constitution, and of a legislature composed in part of the representatives of the people, the discussion of public grievances, whether real or supposed, has always been conducted with an earnestness and freedom of inquiry of which, even when occasionally carried to exaggeration, no reasonable complaint can be made. The representatives of the Canadian people, if departing at times from the measured style and exact terms in which the investigation of truth may perhaps be most successfully conducted, have yet, even in the agitation of questions the most deeply affecting the interests of their constituents, exhibited a studious respect for the person and authority of their Sovereign, and a zealous attachment to the principles of their balanced constitution. Until the last session of the provincial parliament, the remonstrances of the House were chiefly confined to insulated topics of complaint: discussions, indeed, occasionally arose, and discontent was occasionally manifested; but it may be affirmed, that generally there subsisted a spirit of amicable co-operation between the executive government and the legislature.

The cession by His Majesty of the revenues raised under the statute 14 Geo. 3, c. 88, to the appropriation of the House of Assembly, was a gratuitous and unsolicited act, and was accepted by that body in a spirit of grateful cordiality.

I will not pause to recapitulate the events which immediately preceded, if they did not produce the interruption of this mutual good understanding. It is sufficient for my present object to observe, that the relations which had formerly subsisted between the executive government and the representatives of the people underwent an entire change immediately after the elections which took place in the autumn of 1834. The supporters of the local government now for the first time found themselves in a constant minority on every question controverted between them and their political antagonists. A committee of grievances was appointed, by which a report was made impugning the administration of affairs in every department of the public service, and calling for remedial measures of such magnitude and variety as apparently to embrace every conceivable topic of complaint. Having adopted this report, and having directed its publication in an unusual form, the House transmitted through the lieutenant-governor, to the King, an address, in which some of the more considerable of the claims of the committee were urged in terms of no common emphasis. It will be your first duty on the assumption of the government to convey to the House the answer which His Majesty has been advised to return to these representations.

I cannot proceed to explain the terms of that answer without the preliminary remark with a view to which the preceding statement has been chiefly made. Whatever may be the justice of the complaints now preferred respecting the general principles on which the public affairs of the province have been conducted, the representatives of the people of Upper Canada are at least not entitled to impute to the confidential advisers of the King any disregard of their remonstrances. The greater part of the grievances detailed by the committee and the House are now for the first time brought by them under His Majesty's notice. My predecessor, the Earl of Ripon, in his despatch of the 8th of November 1832, to Sir John Colborne, was commanded by the King to state, that "there was no class of the Canadian people, nor any individual amongst them, to whose petitions His Majesty did not require that the most exact and respectful attention should be given." His Majesty has never ceased to be actuated by the spirit which dictated those instructions, and of course will not deny to the House of General Assembly

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that careful investigation of the grounds of their complaints, which He graciously pledged himself to bestow on the representation of any individual petitioner. I feel myself therefore entitled, on behalf of His Majesty's Government, to object to any resort on the part of the House to that ulterior measure to which they allude, but which they will feel with me is to be justified only by an extreme emergency.

I now proceed to the consideration of the various topics embraced in the seventh report of the committee of grievances, and in the addresses of the two Houses to His Majesty: and I shall advert to them in the order in which they are pursued in the report itself.

In the following pages, if any subject should appear to be passed over without due regard, you will understand that I have at least been guilty of no intentional omission, but have, in obedience to His Majesty's commands, made it my endeavour to meet every question which the committee and the House have thought it necessary or proper to raise.

1. It is stated that "the almost unlimited extent of the patronage of the Crown, or rather of the Colonial Minister for the time being, and his advisers here, together with the abuse of that patronage, are the chief sources of colonial discontent. Such (it is added) is the patronage of the Colonial Office, that the granting or withholding of supplies is of no political importance, unless as an indication of the opinion of the country concerning the character of the Government, which is conducted on a system that admits its officers to take and apply the funds of the colonists without any legislative vote whatever." The committee then proceed to an enumeration of the various public offices, and the different departments and branches of the public service, over which this patronage is said to extend; and by bringing the whole into one view, they suggest what must be the amount of the authority and influence accruing to the executive government from these sources.

The statement is substantially this: that the number of public offices in the colony is too great; and that the patronage, instead of being vested, as at present, in the Crown, and the local representative of the Crown, should be transferred to other hands.

In the long enumeration of places at the disposal of the executive government in Upper Canada, the committee have not adverted to one consideration to which I think that great prominence might justly be assigned. It is perfectly true, as it is quite inevitable, that in Upper Canada, as in other new countries, the number of public employments is and will be far larger in proportion than in older and more densely-peopled states. The general machinery of government must be the same in a scanty as in a large and redundant population; corresponding departments of the public service, whether legislative, judicial or administrative, must exist in both. And in a new country, besides, there will be some establishments for which in the settled states of Europe no counterpart can be found; such, for example, are all which relate to the allocation, surveying and granting of wild lands. Nor is it to be forgotten, that in the early stages of such a society many duties devolve upon the government, which at a more advanced period are undertaken by the better educated and wealthier classes, as an honourable occupation of their leisure time. Thus in the Canadas, although the mere text of the law would there, as in England, authorize any man to prefer and prosecute an indictment in His Majesty's name, yet virtually and in substance the prosecution of all offences is confided to the government or its officers. These causes have inevitably tended to swell the amount of the patronage of the provincial government, without supposing any peculiar avidity on their part for the exercise of such power.

With respect to the patronage of the requisite offices, His Majesty's Government are not solicitous to retain more in their own hands, or in those of the governor, than is necessary for the general welfare of the people and the right conduct of public affairs. I confess myself, however, unable to perceive to whom the choice amongst candidates for public employment could with equal safety be confided. It requires but little foresight or experience to discover that such patronage, if exercised in any form of popular election, or if committed to any popular body, would be liable to be employed for purposes far less defensible, and in a manner less conducive to the general good: chosen by irresponsible patrons, the public officers would themselves be virtually exempt from responsibility; and all the discipline and subordination which should connect together in one unbroken chain the King and his representative in the province, down to the lowest functionary to whom

whom any portion of the powers of the state may be confided, would be immediately broken.

I conclude, therefore, that as in such a country as Canada there must exist a number of public officers, large in proportion to the present number and wealth of the inhabitants, so the selection of them must for the most part be entrusted to the head of the local government.

I disclaim, however, on the part of the Ministers of the Crown, every wish to urge these general principles beyond their just and necessary limits. There are cases in which I think, according to the analogy of similar cases in this country, the patronage now said to be exercised by the lieutenant-governor might with perfect safety and propriety be transferred to others. On this subject, however, it will be more convenient to state the general principle, than to attempt the specific and detailed application of it at this distance from the scene of action.

That principle is to maintain entire, by the nomination and removal of public officers, that system of subordination which should connect the head of the Government with every person through whose instrumentality he is to exercise the various delegated prerogatives of the Crown. What is necessary for this end must be retained; whatever patronage is unnecessary for the maintenance of this principle should be frankly and at once abandoned.

It is noticed in the report, as an aggravation of the evils of the government patronage, that almost every public officer holds his place at the pleasure of the Crown. I cannot disguise my opinion, that the public good would be little advanced if the subordinate functionaries held their places upon a more certain tenure. In practice, indeed, though subject to certain exceptions to be hereafter noticed, no public officer is in danger of losing his employment, except for misconduct or incompetency: but there are many kinds of misconduct and incompetency which could never be made the subject of judicial investigation, but which yet would be destructive of the usefulness of a public officer, and ought therefore to be followed by a dismissal from the public service. Nor is it necessary to insist at any length on the evils which would arise in the transaction of business, if the subordinate officers were aware that they were entirely independent of the good opinion of their superiors for continuance in their employments.

It is not difficult to show, in reference to any conceivable arrangement on the subject of patronage, that there will be dangers against which it is impossible to take an absolute and perfect security. I know not, however, that any less exceptionable scheme could be devised than that which at present prevails, of giving to the head of the local government the choice of the subordinate officers, and of making their places dependent on His Majesty's pleasure. To prevent, however, as far as may be possible, the continuance of any well-founded ground of complaint on this head, His Majesty, disclaiming for himself and for his representative in the province all desire to exercise, with the view merely to patronage, the power of appointing public officers, is pleased to prescribe for your guidance the following rules:

First: You will, at the earliest opportunity, enter into a diligent review of the offices in the appointment of the Crown and of the local government, as detailed in the report of the committee, and the appendix, with a view to ascertain to what extent they may, without impairing the efficiency of the public service, be reduced immediately and prospectively. You will report to me the result of your investigation, with such particular information as will enable His Majesty's Government to decide in each case on the expediency of adopting your recommendation.

Secondly: If, during the reference of that report to me, any occasion occur for the reduction of offices, either by abolition or by consolidation, you will exercise your own discretion as to waiting for fresh instructions, or proceeding at once to the reduction. Any appointment, however, made under such circumstances, will be merely provisional. In case of the immediate abolition of any office not required for the efficient discharge of the public service, you will stipulate for such a compensation to the present holders, as the disappointment of their reasonable expectations may entitle them to receive.

Thirdly: In the prescribed revision of these offices you will make it one of your objects to form a judgment what share of the patronage of the Crown or the local government may safely and wisely be transferred to other hands. You will report to me on this subject, but will refrain from taking any steps regarding it without further instructions from me.

Fourthly: In the selection of persons to execute public trusts, you will be guided

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exclusively by the comparison of the claims which the different candidates may derive from past services, or from personal qualifications.

Fifthly: In general, you will not select for any public employment in Upper Canada any person who is not either a native or a settled inhabitant of the province. To this general rule occasional exceptions may be admitted; as in cases where some peculiar art or science is demanded, which no provincial candidate may be found to possess in the requisite degree. An exception must also be made in reference to those officers who are immediately attached to your own person, in the choice of whom His Majesty does not think it right to subject you to any such restriction.

Sixthly: As often as any office shall be vacant, which is not to be suppressed, and of which the annual emolument shall exceed 200*l.*, you will make the appointment provisional only, and with the distinct intimation to the party elected that his confirmation will depend entirely on the estimate which His Majesty may form of his pretensions; and you will on every such occasion signify to me, for His Majesty's information, the grounds on which you have proceeded, and the motives which have directed your choice. If His Majesty should be pleased to issue, under his sign-manual, a warrant authorizing you to make a grant of the office under the public seal of the province, then, and not till then, the appointment must be considered as finally ratified. I trust that in these regulations the House of Assembly will perceive a sufficient proof of His Majesty's settled purpose to exercise this branch of His prerogative for no other end than the general good of His Canadian subjects, and to prevent its being converted into an instrument of promoting any narrow, exclusive or party designs.

2. Pursuing the order observed by the committee, I pass on to the subject of the provincial post-office. Adverting to the measures which have already been taken for the redress of the grievances which have been alleged to exist in the conduct of this department, the committee observe, that "the form of a law, such as the government would approve, is before the House; but its provisions (they add) are so inapplicable and absurd, that no benefit could be derived from their enactment."

On the measure thus characterised I am not called to give an opinion. It is, however, but fair to those by whom it was recommended to the adoption of the local legislature, to observe, that it had previously undergone a most careful investigation by the Postmaster-general. His Majesty's Government cannot have the slightest wish to urge the adoption of any measure to which well-founded and sufficient objections may exist; they are content that the Bill in question should be withdrawn, to make way for any other which the Assembly may be disposed to substitute for it. Perhaps, however, on approaching the question more closely, the Assembly may find it encumbered with unexpected difficulties. I fear that this will be the case, especially in reference to the intercourse by post with all places beyond the limits of the province itself. You will, however, assent to any judicious and practicable scheme which the House may incorporate in any Bill tendered for your acceptance; regarding as of no weight whatever, when opposed to the general convenience of the public, any considerations of patronage or of revenue derivable from this source.

3. Under the head of salaries and fees, the committee have entered into very copious statements, to show that the emoluments of the public officers in Upper Canada are excessive, and out of all just proportion to the value of the services rendered. It is unnecessary for me to enter into these details, because, as to the general principles on which it will be your duty to act on questions of this nature, there can be no room for controversy. Indeed, those principles will, I think, be most conveniently considered when divested of topics connected with the interests and the services of particular persons.

There is no measure of retrenchment, compatible with the just claims of His Majesty's various officers, and with the efficient discharge of the public service and duty, to which the King is not disposed to give a prompt and cheerful assent. To determine what ought to be the scale of remuneration to public functionaries of different classes, would require information too minute and exact to be obtained beyond the limits of the province itself. This would appear a very fit subject for a special inquiry, in which it might be proper to employ commissioners, to be appointed under the authority of an act of the Assembly. I have reason to suppose that the subject has never yet undergone a full and fair investigation; and therefore I do not feel myself entitled to assume the non-existence of those abuses which so readily grow

grow up under a system which is not subjected to a careful scrutiny, conducted upon permanent and enlightened views of public economy. Even if the result of the examination should be only to show that there is no evil of this nature to be remedied, the labour would be amply repaid, by placing so important a fact beyond the reach of all reasonable suspicion.

In dealing with existing interests, the local legislature will, I doubt not, be well disposed to adopt the rules which have been uniformly taken by Parliament for the guidance of their discretion in similar cases. The saving of public money which could arise from the unexpected reduction of official incomes, would not only subject numerous families to extreme distress, but by impairing general confidence in the public credit, would weaken the foundations on which all proprietary rights must ultimately repose.

The King confidently relies on his faithful subjects of Upper Canada, that they will not reduce His Majesty to the distressing alternative of either abandoning the just interests of any of his servants, or opposing himself to measures having for their object the reduction of public expenditure.

4. Next in the order of complaints, is that which relates to the amount of the pension list. On this, as on the subject which I have last noticed, I conceive that I shall better discharge my duty by attempting to provide against any future abuse, than by engaging in a minute retrospect of any which may have already occurred. I will not even pause on the comparison, not perhaps very accurately or necessarily instituted, between the conduct of the central government of the United States of America, and that which has been pursued in one of the provinces of the British empire, respecting the remuneration of officers for past services. Such pensions as have already been charged upon the revenues which were at the disposal of the Crown, constitute a debt to the payment of which His Majesty's honour is pledged, nor need I state that there is no consideration so powerful as to induce the King to assent to the violation of any engagement lawfully and advisedly entered into by Himself, or by any of His royal predecessors.

On the other hand, His Majesty is content that the most effectual security should be taken against any improvident increase of the pension list by any future grants, and is willing that a limit should be fixed by law to any charge which may hereafter be imposed upon the provincial revenues on this account.

I do not anticipate that the Assembly of Upper Canada would wish to withhold from the King the means of rewarding faithful and zealous public services, or would think it desirable that no provision should ever be made by His Majesty to solace the declining years of those who have consumed in laborious public duties in the colony the larger portion of their lives.

You will therefore assent to any law which may be tendered for your acceptance, of which the object shall be to regulate, on a just and reasonable scale, the amount of the future pension list of Upper Canada, and to prescribe the principles upon which any pensions shall be granted.

5. I proceed to the subject of the provision made for ecclesiastical establishments, and for the maintenance of the teachers of religion of various denominations.

On this head the House of Assembly maintain opinions from which, in their address to His Majesty of the 13th April, the Legislative Council have recorded their most entire and earnest dissent. The report states, that "the House of Assembly in several successive parliaments has expressed its entire disapprobation of the conduct of the Government in attempting to uphold particular religious sects by money grants. And in the 10th and 11th parliaments has declared, that it recognises no particular denomination as established in Upper Canada, with exclusive claims, powers or privileges."

It appears that the four religious communities, whose funds are aided by grants from the hereditary and territorial revenue, are, those of the churches of England, and Scotland, and Rome, and of the Wesleyan Methodist Society; the last being in two divisions, which respectively take the distinct appellation of the "Canadian" and the "British."

In the last session of the provincial parliament a Bill was passed by the Assembly, the object of which was to enable certain commissioners to sell the lands which, under the Constitutional Act of 1791, had been appropriated in Upper Canada to the maintenance of a Protestant clergy, and to pay over the proceeds to the receiver-general, to be disposed of under the future direction of the legislature, for the promotion of education, and for no other purpose whatever.

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This Bill was rejected by the Legislative Council, on the grounds noticed in the address from that body to His Majesty, and in a report from a select committee appointed by them to take the Bill into consideration, which report is enclosed in Sir John Colborne's despatch of the 20th May, No. 20.

Your predecessor and the Council agree in the opinion, that it is vain to expect the concurrence of the two branches of the local legislature in any adjustment of this question, and they therefore invoke the interposition of Parliament; which interposition the Assembly, on the other hand, deprecate with equal earnestness.

The chief practical question, then, which at present demands consideration, is whether His Majesty should be advised to recommend to Parliament the assumption to itself of the office of deciding on the future appropriation of these lands. There are two distinct reasons, both of which appear to me conclusively to forbid that course of proceeding.

First: Parliamentary legislation on any subject of exclusively internal concern, in any British colony possessing a representative assembly, is as a general rule, unconstitutional. It is a right of which the exercise is reserved for extreme cases, in which necessity at once creates and justifies the exception.

But important as is the question of the clergy reserves in Upper Canada, yet I cannot find in the actual state of the question any such exigency as would vindicate the Imperial Legislature in transferring to themselves the settlement of this controversy. The conflict of opinion between the two Houses upon this subject, much as it is to be lamented, yet involves no urgent danger to the peace of society, and presents no insuperable impediment to the ordinary administration of public affairs. Although a great evil, it is not such as to exclude every hope of mitigation by the natural progress of discussion, and by the influence of that spirit which, in public affairs, not seldom suggests to parties alike solicitous for the general good, some mutual surrender of extreme views, and some compromise on either side of differences which at first sight might have appeared irreconcilable. Until every prospect of adjusting this dispute within the province itself shall have been distinctly exhausted, the time for the interposition of Parliament will not have arrived, unless indeed both Houses shall concur in soliciting that interposition; in which event there would of course be an end to the constitutional objections already noticed.

The second ground on which I think myself bound to abstain from advising His Majesty from referring this question immediately to Parliament, is, that the authors of the Constitutional Act have declared this to be one of those subjects, in regard to which the initiative is expressly reserved and recognized as falling within the peculiar province and the special cognizance of the local legislature, although its ultimate completion is no less distinctly made to depend, in addition to the ordinary submission to His Majesty, on the acquiescence of the Imperial Parliament.

It is not difficult to perceive the reasons which induced Parliament in 1791, to connect with a reservation of land for ecclesiastical purposes, the special delegation to the Council and Assembly of the right to vary that provision by any Bill, which being reserved for the signification of His Majesty's pleasure, should be communicated to both Houses of Parliament for six weeks before that decision was pronounced. Remembering, it should seem, how fertile a source of controversy ecclesiastical endowments had supplied throughout a large part of the Christian world, and how impossible it was to foretell with precision what might be the prevailing opinions and feelings of the Canadians on this subject at a future period, Parliament at once secured the means of making a systematic provision for a Protestant clergy, and took full precaution against the eventual inaptitude of that system to the more advanced stages of a society then in its infant state, and of which no human foresight could divine the more mature and settled judgment.

In the controversy, therefore, respecting ecclesiastical endowments, which at present divides the Canadian legislature, I find no unexpected element of agitation, the discovery of which demands a departure from the fixed principles of the constitution, but merely the fulfilment of the anticipations of Parliament in 1791, in the exhibition of that conflict of opinion for which the statute of that year may be said to have made a deliberate preparation. In referring the subject to the future Canadian legislature, the authors of the Constitutional Act must be supposed to have contemplated the crisis at which we have now arrived,—the era of warm and protracted debate, which in a free government may be said to be a necessary precursor to the settlement of any great principle of national policy. We must
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not have recourse to an extreme remedy, merely to avoid the embarrassment which is the present though temporary result of our own deliberate legislation.

I think, therefore, that to withdraw from the Canadian to the Imperial Legislature the question respecting the clergy reserves, would be an infringement of that cardinal principle of colonial government which forbids parliamentary interference, except in submission to an evident and well-established necessity.

Without expressing any further opinion at present on the general objects of the Bill of last session, I think the effect of that Bill would, as it appears, have been to constitute the Assembly not merely the arbiters respecting the disposal of the funds to be raised by the sale of these lands, but the active and independent agents in effecting those sales, and thus to invest them with the appropriate functions of the executive government.

6. The report of the committee next passes to the subject of the land-granting department.

Admitting that Lord Ripon's despatch shows that the grievances under this head have been in part removed, it is observed that the extent of that relief is not very clearly shown by the documents before the committee.

It is difficult, or rather impossible, for me to advance further in meeting the views of the Assembly thus briefly expressed, than by stating, that if any ambiguity can be pointed out in Lord Ripon's instructions respecting the grant of lands, it shall be immediately removed; and that if His Majesty's officers in the province can be shown to have disregarded those instructions, it will be your duty to enforce the most prompt and exact obedience to them to the full extent of their spirit and intention, insomuch that there shall in future be no doubt whether the grievances at which they aimed have or have not been completely removed.

7. Respecting the collegiate institutions of the province, the Assembly express their opinion that the Upper Canada College "is upheld at great public expense, with high salaries to its principal masters; but that the province in general derives very little advantage from it, and that it might be dispensed with."

His Majesty's Government can have no wish to retain any charge for this establishment, which may be more than adequate to provide for the effective performance of the duties of the teachers. Any wise retrenchment of that nature may, subject to the principles already mentioned, be immediately introduced. That the province derives little benefit from this college is a fact of which the explanation is to be found, not in the principle of the institution itself, but in some error of management, susceptible as it should seem of an easy remedy. It is impossible to believe that in Upper Canada, as in other countries, advantages the most important would not result from a well-ordered school, for the education in the elementary branches of philosophy, science and literature, of young men who aspire to fill the highest offices in society. Nor can I suppose it a light benefit thus to connect together the preparatory and the final studies of youth in one systematic plan, which, by rendering the initiatory school a careful preparation for the university, may give to their entire education a character of solidity and consistency scarcely attainable by any other method.

I shall therefore deeply lament the abolition of a college of which the defects would appear so remediable, and of which it does not seem easy to exaggerate the benefits.

On the subject of King's College an unfortunate difference of opinion exists between the Council and the Assembly, which each of those bodies concurs in pronouncing incurable.

His Majesty commands me to tender, through you, his mediation on this subject. With the previous assent of both Houses, the King will cheerfully resume the consideration of the question, in what manner a charter could be most conveniently prepared, so as to promote the interests of science and literature, and the study of theology and moral philosophy, with a due regard to the opinions which seem to prevail in the province respecting the proper constitution and objects of an university. But after having distinctly referred to the local legislature the duty of giving effect to their own wishes on the subject, in the form of an Act of General Assembly, His Majesty cannot, at the instance of one only of the two Houses, withdraw it from their cognizance.

8. The committee complain that a very considerable proportion of the sum, amounting to 31,728 *l.* 18 *s.* 11 *d.*, expended in aid of emigration from Europe, was for "articles or services not specified, and concerning which a committee of the

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House of Assembly could know nothing, unless they were to send for the detailed accounts and vouchers, which, if they had, it would be impossible to examine at the late period of the session at which the government sent down those statements." In the appendices to the reports, numbered 56 and 57, various items of this expenditure are noticed with apparent dissatisfaction. You will direct the public officers who have had the management of this fund to communicate to the House of Assembly, with the utmost possible promptitude, the most minute and circumstantial details and explanations connected with it, for which the House may be pleased to call.

9. Next in order occurs the statement, that "the present system of auditing the public accounts is altogether insufficient for ensuring the application of the revenue to the purposes for which it is intended to be applied."

The remedy suggested is that of establishing a board of audit, of which the proceedings should be regulated by a well-considered statute under a responsible government.

Deferring at present any remark on the expression "responsible government," to which I shall more conveniently advert hereafter, I must express my agreement in the position that the establishment of a board of audit by law is the best remedy in this case. His Majesty will gladly concur in the enactment of any law which shall be properly framed for constituting such a board. With a view to aid the deliberations of the legislature, I transmit to you various documents explanatory of the constitution and proceedings of the Commission for auditing the Public Accounts of this kingdom.

The Assembly express their disbelief that any efficient measure of this kind will obtain the consent of the Legislative Council. I trust that this apprehension will be dispelled by the event. If unfortunately it should be confirmed, you will, in the exercise of His Majesty's delegated authority, proceed at once to constitute a board of audit, upon the principles of that which at present exists in this kingdom, so far as the two cases may be analogous; and although I am aware that, unaided by positive legislation, such a board would be comparatively inefficient, yet no inconsiderable advance would be thus made towards the introduction of an effective system of audit.

If you should find it necessary to act on this instruction, great care must be used to prevent the new establishment from being converted into the means of any real or seeming abuse, in the way of an improvident increase of the patronage of the Crown. Of a board consisting of five or three auditors, one alone should at first receive a salary; because the institution itself would be provisional only, and liable to revision so soon as a proper Act could be passed for the purpose. I think it highly probable, that amongst the gentlemen of the province most conversant with its financial interests, a sufficient number would be found who, as honorary and unpaid commissioners, would complete the board, and who, though not engaging in the mere ordinary routine of business, would exercise a general superintendence over the more important proceedings of the commission. Especially it would be requisite to obtain such aid in determining the number and remuneration of the clerks and other subordinate officers. But it must not be forgotten that the effective remedy, as the report observes, is to be found in a board established by law; and I earnestly hope that a law to that effect may pass both Houses of the legislature.

10. The withholding of public accounts from the House of Assembly is the next head of complaint.

It is proposed, that to remedy this evil a statute should be passed providing the time and manner of making such returns, and naming the officers who should render them to the legislature; "but," add the committee, "it is well known that such an enactment would fail in the Council, which has an interest in preventing the enforcement of practical accountability to the people."

Although I cannot permit myself to believe that the Council would really oppose themselves to any judicious measure of this kind, I fear that such legislation would be found to involve many serious, if not insuperable difficulties. I must object to the appointment of individuals for any purpose of this kind by name in a statute, or by any authority other than that of the King. Persons so appointed would exercise a control over all the functions of the executive government, and would have a right of inspecting the records of all public offices to such an extent as would leave His Majesty's representative, and all other public functionaries, little more
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than a dependent and subordinate authority. Further, such officers would be virtually irresponsible and independent.

On this subject, however, His Majesty commands me to state, that there is no information connected with the receipt and expenditure of any part of the revenue of Upper Canada, which He wishes to withhold from the representatives of the Canadian people. You will, immediately on your arrival in the province, apprise the heads of every public department by which any such funds are received or administered, that they must constantly keep in preparation, to be produced to the Assembly, in compliance with any addresses which may be presented to you by that House, copies and abstracts of all public accounts; and you will consider in what form these can be drawn up, so as to exhibit all material information in the most complete and luminous manner. It will, perhaps, be possible to concert with the House beforehand some system for preparing such returns; and as often as they may present to you addresses for such information, you will promptly accede to their wishes, except in the extreme case, which it is difficult to suppose, of any demand of that nature being made in such a form that the compliance with it would endanger some great public interest.

11. The report then passes to the consideration of cases in which your predecessor is charged with having failed to show respect, even in subordinate matters, to the wishes of the House of Assembly.

I will not encumber this communication by entering into a review of the particular transactions noticed by the committee in illustration of this complaint; I am not, indeed, sufficiently in possession of the facts to enable me to do so; nor do I think it convenient to combine a personal discussion with a general statement of the principles by which your conduct is to be governed.

The only general direction that I have to give you on this subject is, that you will always receive the addresses of the Assembly with the most studious attention and courtesy: as far as may be consistent with your duty to the King, you will accede to their wishes cheerfully and frankly. Should that duty ever compel you to differ from their opinion, or to decline compliance with their desires, you will explain in the most direct, and of course in the most conciliatory terms, the grounds of your conduct.

12. The next topic of complaint is, that many of the recommendations contained in Lord Ripon's despatch of the 8th November 1832, have not been carried into effect. Amongst these are especially mentioned such as relate to the amendment of the election laws, the non-interference of His Majesty's officers at elections, the disclosure to the House of the receipt and expenditure of the Crown revenue, the exclusion of ministers of religion from the Legislative and Executive Councils, the reducing the costs of elections, the judicial independence, and the limitation of the number of public officers who may sit in the Assembly.

Adhering, without reserve or qualification, to all the instructions issued under His Majesty's commands by Lord Ripon, the King is pleased to direct that you do adopt that despatch as a rule for the guidance of your own conduct; and that you exert your legitimate authority and influence to the utmost possible extent, to carry into effect all such of his Lordship's suggestions as may still continue unfulfilled.

13. The selection of justices of the peace is said to "have been made chiefly from persons of a peculiar bias in politics, and to be the means of extending the power and influence of the colonial system." It is not in my power to verify the accuracy of this opinion; and I am happy to feel myself relieved from the necessity of such an investigation. If any such abuse exists, it cannot be too promptly or decisively remedied. Whenever any increase of the number may appear to you desirable, you will propose to any gentleman in Upper Canada, possessing the necessary qualifications of knowledge, property and character, and unquestionable fidelity to the Sovereign, the assumption of the office of a justice of the peace, without reference to any political considerations.

14. A very considerable part of the report is devoted to the statement and illustration of the fact that the executive government of Upper Canada is virtually irresponsible; and the conclusion drawn from this statement is, that under the present system there can be no prospect of a good and faithful administration of public affairs.

Without entering on the one hand unnecessarily into a discussion of those general principles to which my attention is thus invited, or digressing, on the other hand, into personal topics, it is enough for me to observe on the present

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occasion, that experience would seem to prove that the administration of public affairs in Canada is by no means exempt from the control of a practical responsibility. To His Majesty and to Parliament the governor of Upper Canada is at all times most fully responsible for his official acts. That this responsibility is not merely nominal, but that His Majesty feels the most lively interest in the welfare of His Canadian subjects, and is ever anxious to devote a patient and laborious attention to any representations which they may address to Him, either through their representatives or as individuals, is proved not only by the whole tenor of the correspondence of my predecessors in this office, but by the despatch which I am now addressing to you. That the Imperial Parliament is not disposed to receive with inattention the representations of their Canadian fellow-subjects, is attested by the labours of the Committees which have been appointed by the House of Commons during the last few years to inquire into matters relating to those provinces.

It is the duty of the lieutenant-governor of Upper Canada to vindicate to the King and to Parliament every act of his administration. In the event of any representations being addressed to His Majesty upon the subject of your official conduct, you will have the highest possible claim to a favourable construction; but the presumptions which may reasonably be formed in your behalf will never supersede a close examination how far they coincide with the real facts of each particular case which may be brought under discussion.

This responsibility to His Majesty and to Parliament is second to none which can be imposed on a public man, and it is one which it is in the power of the House of Assembly at any time, by address or petition, to bring into active operation.

I further unreservedly acknowledge that the principle of effective responsibility should pervade every department of your government; and for this reason, if for no other, I should hold that every public officer should depend on His Majesty's pleasure for the tenure of his office. If the head of any department should place himself in decided opposition to your policy, whether that opposition be avowed or latent, it will be his duty to resign his office into your hands, because the system of government cannot proceed with safety on any other principle than that of the cordial co-operation of its various members in the same general plans of promoting the public good. The inferior members of the different offices should consider neutrality on this great litigated question of provincial policy as at once their duty and their privilege. Diligently obeying all the lawful commands of their superiors, they will be exempted from censure if the course which they have been directed to pursue should issue in any unfortunate results.

Some of the members of the local government will also occasionally be representatives of the people in the Assembly, or will hold seats in the Legislative Council. As members of the local legislature they will of course act with fidelity to the public, advocating and supporting no measures which, upon a large view of the general interest, they shall not think it incumbent on them to advance. But if any such person shall find himself compelled by his sense of duty to counteract the policy pursued by you as head of the government, it must be distinctly understood that the immediate resignation of his office is expected of him; and that, failing such a resignation, he must, as a general rule, be suspended from it. Unless this course be pursued, it would be impossible to rescue the head of the government from the imputation of insincerity, or to conduct the administration of public affairs with the necessary firmness and decision.

I need hardly say, that in the event of any public officer being urged into a resignation of his place by his inability to give a conscientious support to his official superior, the merits of the question would undergo an investigation of more than common exactness by His Majesty's Ministers, and that His Majesty's decision would be pronounced with a perfect impartiality towards those who had the honour to serve him in the province, however high or however subordinate might be their respective stations.

By a steadfast adherence to these rules, I trust that an effective system of responsibility would be established throughout the whole body of public officers in Upper Canada, from the highest to the lowest, without the introduction of any new and hazardous schemes; and without recourse to any system, of which the prudence and safety have not been sufficiently ascertained by a long course of practical experience.

15. I next advert to two subjects of far more importance than any of those to which

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which I have hitherto adverted : I refer to the demand made partly in the report of the committee, and partly in the address from the Assembly to His Majesty, for changes in the mode of appointing legislative councillors, and for the control by the Assembly of the territorial and casual revenues of the Crown.

On these subjects I am, to a considerable extent, relieved from the necessity of any particular investigation ; because claims precisely identical have been preferred by the Assembly of Lower Canada, and because, in the instructions to the commissioners of inquiry who have visited that province, I have already had occasion to state the views which have received His Majesty's deliberate sanction. The principles of government in the two sister provinces must, I am well aware, be in every material respect the same ; I shall therefore annex for your information, as an appendix to this despatch, so much of the instructions to the Earl of Gosford and his colleagues as applies to these topics.

In the prosecution of the inquiries of the commissioners in Lower Canada, they will be instructed to enter into full and unreserved communication with you upon these questions, and to frame their report in such a manner as may enable His Majesty to adopt a just and final conclusion upon the course to be pursued respecting them in both the Canadas. For this purpose you will supply the commissioners with all the information which you may think necessary for them to receive, and with every suggestion which you may think it expedient to make for their assistance in comparing the state of these questions in the two provinces. If it should ultimately appear desirable, the commission may perhaps be directed to resort to Upper Canada, there to pursue, in concurrence with yourself, a more exact inquiry into these subjects than they could institute at Quebec, in reference to the affairs of the upper province.

In general, the Earl of Gosford and his colleagues will be directed to enter into unreserved communication with you, not only on the points just mentioned, but on every subject of common interest to the two provinces. You on your part will conduct yourself towards them in the most cordial spirit of frankness and co-operation.

I have thus, in order, adverted to every subject to which the Assembly of Upper Canada have called the attention of His Majesty's Government. You will communicate to the Legislative Council, and to that House, the substance of this despatch, as containing the answer which His Majesty is pleased to make to the addresses and representations which I have had the honour to lay before Him from the two Houses in their last session. I trust that in this answer they will find sufficient evidence of the earnest desire by which His Majesty's councils are animated to provide for the redress of every grievance, by which any class of His Majesty's Canadian subjects are affected.

I close this communication with the expression of my earnest hope, and I trust not too confident belief, that the representatives of the people of Upper Canada will receive with gratitude and cordiality this renewed proof of His Majesty's paternal solicitude for the welfare of His loyal subjects in that province ; and that, laying aside all groundless distrusts, they will cheerfully co-operate with the King, and with you as His Majesty's representative, in advancing the prosperity of that interesting and valuable portion of the British empire.

I have, &c.

(signed) *Glenelg.*

CANADA.

INSTRUCTIONS to the Earl of Gosford, and the Commissioners appointed to inquire into the GRIEVANCES complained of in *Lower Canada*:—also, INSTRUCTIONS to Sir F. B. Head, Lieutenant-Governor of *Upper Canada*.

(*Sir George Grey.*)

*Ordered, by The House of Commons, to be Printed,
22 March 1836.*

[*Price 8 d.*]

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UPPER CANADA.

RETURN to Two Addresses of the Honourable The House of Commons,
dated the 14th and 17th June 1836;—for,

— 1. —

EXTRACTS from a DESPATCH of the 21st April 1836 from Sir *F. B. Head*,
Lieutenant-Governor of *Upper Canada*, to Lord *Glenelg*, with the Enclosures
referred to in such Extracts.

— 2. —

COPY of an ADDRESS to The KING from the ASSEMBLY of *Upper Canada*,
with the APPENDIX of Documents transmitted therewith to the Secretary
of State.

Colonial Department, }
29 June 1836. }

G. GREY.

(*Sir George Grey and Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
30 June 1836.

L I S T.

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UPPER CANADA.

— 1. —

EXTRACTS from a DESPATCH of the 21st April 1836, from Sir *F. B. Head*, Lieutenant-Governor of UPPER CANADA, to Lord *Glenelg*, with the Enclosures referred to in such Extracts.

EXTRACTS of a DESPATCH from Lieutenant-Governor Sir *F. B. Head* to Lord *Glenelg*, dated Toronto, 21st April 1836.

I HAVE the honour to transmit to your Lordship an Address from the House of Assembly to His Majesty, as also a copy of one to The House of Commons, reprobating in unusual language my conduct as Lieutenant-Governor of this province. I have also to inform your Lordship, that the House of Assembly have deemed it their duty to stop the supplies; that in consequence of this proceeding, I have reserved all their money bills for the consideration of His Majesty, and that I have declined to grant their contingencies.

I also enclose to your Lordship a copy of my Speech on proroguing the Provincial Parliament.

The Speech I yesterday delivered on proroguing the Provincial Legislature, will sufficiently explain the attempts I have made to carry into effect the remedial measures with which I was entrusted.

If the sentiments contained in these petitions from the House of Assembly were really the sentiments of their constituents, this province might justly be said to be in a state of revolt; whereas the fact is, as I stated it to your Lordship in my last despatch, "that a burst of loyalty will very shortly resound from one end of the province to the other; as a more honest, well-meaning peasantry cannot exist than His Majesty's subjects in this noble province;" and as a proof of this assertion, I refer your Lordship to the enclosed addresses I have already received.

Your Lordship cannot but remark, that for the first time in the history of this province, the supplies have been stopped; that the whole country has been thus thrown into confusion, and that the period selected for this violence has been my arrival with your Lordship's instructions to correct all the grievances of the country.

The Assembly, in their Petition to the House of Commons, make their second complaint against me as follows:

Upon the formation of this Council, although R. B. Sullivan, Esq. was sworn in, and appeared to the public as Senior Councillor, upon whom, in the event of the absence of his Excellency, might devolve the administration of the government, yet a secret agreement was entered into, written in the Council Chamber by his Excellency himself, by which was to be defeated the apparent succession of the Senior Councillor to the administration of the government. This arrangement was denied by His Excellency to us, in his answer to our address on the subject; while, on the other hand, the facts so denied are proved by the testimony of R. B. Sullivan, Esq., and the Hon. Captain Baldwin, both of whom are still retained by his Excellency in the Council. For other instances of his deviation from candour and truth, as well as of his utter unacquaintance with the nature of our constitution, and the mode in which it should be administered, we refer to the appended documents.

If the above statement had been made to your Lordship, I should not feel it necessary to notice it; but as it is addressed to the House of Commons, and is intended to conceal the weakness of their own case by calumniating me, I will, as briefly as possible, show your Lordship the wilful misrepresentation it contains.

Enclosure 3.
14 Addresses.
No. 1. to 14.

Despatch from the
Lieut.-Governor to
Lord Glenelg.

The day after my late Executive Council resigned, I gazetted Messrs. Sullivan, Allan, Baldwin and Elmsley, in their stead, and appointed a day on which they were to be sworn in. On the morning of this day Mr. Sullivan called upon me, and said that he wished to retain the place in which his name had appeared in the Gazette; yet he wished it should be clearly understood, that in case of my death it was his intention to resign. My answer to him was, "When I am dead, you may all do what you like."

On assembling in the antechamber of the Council to be sworn in, Mr. Sullivan repeated his request, begged that his intention might be committed to writing before they were sworn in, and proposed that some person should be procured to write a memorandum of his wishes. I replied, "Surely any one can write that," and I accordingly took up a pen and wrote what he desired, which was signed in presence of the other Councillors, and delivered to Mr. Allan before any of them were sworn in. As soon as it was signed, I said, "This had better not be secret; it had better be made public;" and, accordingly, the following day Captain Baldwin stood up in the Legislative Council, and made public the whole arrangement.

About ten days afterwards the House of Assembly, at the request of the Committee to whom had been referred my correspondence with my late Executive Council, forwarded to me an Address, requesting that I would lay before their House "copies of any bond or agreement between your Excellency and any of your present Executive Council, or between any two or more of the said Council, by which it is stipulated in what manner the government shall be administered, or who shall administer the government of this province, in case of the above-named occurrence."

As I have stated to your Lordship, the paper which was signed in the antechamber of the council, and there delivered to Mr. Allan, without any minute in Council being made respecting it, did not stipulate in what manner the government should be administered "in case of my death;" nor did it stipulate who, in that event "should administer the government of this province." It merely stated Mr. Sullivan's whim or intention to resign, and as that had been made public in the way I have stated, I knew quite well that the Address of the House of Assembly, asking for my "bond," was merely intended to insult me.

I accordingly replied to the Address as follows:

Gentlemen,—I have entered into no bond or agreement of any sort with my present Executive Council; and I do not possess, nor does there exist in Council, any document of such a nature between two or more of the said Council.

This was strictly correct; for I myself had entered into no bond, nor did there exist in Council any document of the nature applied for.

It was by the advice of the Council, who read the Assembly's Address to me, as well as my reply, before it was sent, that the above answer was given; and after it was transmitted I gave Mr. Sullivan permission to go before the Committee (which he did), and explain to them exactly what had taken place; which he did in the following plain, honest evidence on the subject.

Question 1. Are you the Senior Member and Presiding Councillor of the Executive Council?—*Answer.* Yes.

Q. 2. Is there any written agreement existing between yourself and any of the other members of the Executive Council, by which it is stipulated on your part in what way the government of the province should be administered in the event of the death or removal from the province of the Lieutenant-Governor?—*A.* There is no agreement in existence by which it is stipulated how the government of the province shall be administered in the event mentioned in the question. At the time the Council were about to be sworn in I expressed a wish that it might be understood that, in either of the events mentioned, it was my intention to resign my place as Executive Councillor, as it was not my desire, in any event, to fill the situation of Administrator of the Government. At my request this intention was expressed in writing, and I signed it.

Q. 3. Is the instrument you mention under seal, or witnessed?—*A.* It is neither under seal nor witnessed.

Q. 4. Into whose hands did you deliver the document?—*A.* Into the hands of the Hon. William Allan.

Q. 5. Did any other person know of the existence of the document?—*A.* Yes; it was not intended that my intention should be secret. His Excellency the Lieutenant-Governor was present when it was read and delivered to Mr. Allan.

Q. 6. Did his Excellency the Lieutenant-Governor write the document, or was it written by

by his Excellency's order?—*A.* I proposed, that my intention should be expressed in writing, and I wished that the writing should be drawn up by some person other than myself, upon which his Excellency, being present, was kind enough to draw it up.

Despatch from the
Lieut.-Governor to
Lord Glenelg.

Q. 7. Was the writing intended to be legally binding upon you?—*A.* Certainly not.

Q. 8. What was the object or intention of the paper in question, if it was not intended to be legally binding?—*A.* It was intended for my own satisfaction, that it might not be said that I had it in view to fill the situation of Administrator of the Government.

Q. 9. Do you think you could constitutionally resign in case of either of the above events, and give place to another who could administer the government?—*A.* I could transmit my resignation to His Majesty's Government, and decline taking upon myself the office of Administrator of the Government. I think it is the constitutional right of any individual to decline taking office upon himself; and as to giving place to another, that is not the act of the person declining office, but of the law.

Q. 10. Do you not think, that in either of the above events taking place, you would be the Administrator of the Government, without being appointed in any way?—*A.* The Senior Executive Councillor would, upon taking the oaths of office, be invested with the administration of the government, without any further appointment.

Q. 11. Do you think, upon your resignation as above stated, the administration of the government could be assumed by any other member of the Council?—*A.* I think it could, either upon my resignation or upon my refusal to take the oath of office.

With this explanation before your Lordship, I must beg you to refer to the artful and incorrect statements made by the Assembly in their petition to The House of Commons.

1st. They say, that a "secret arrangement was entered into," although it had been, as I have stated, publicly proclaimed to the whole country, by one of the members of the new Executive Council, in his place in the Legislative Council.

2d. They say that this arrangement was denied "by his Excellency to us in his answer to our address," Although I denied no such thing; but stated that I had entered into no bond or agreement, and that I did not possess nor did there exist in Council any document of such a nature. It could not matter to me one straw, whether, when I was dead, Mr. Sullivan resigned, or whether all the Councillors resigned. I could have no object that Mr. Sullivan's intention to resign should be secret. If I had I should not have recommended it to be made public, and should not have told Mr. Sullivan to go before the Committee and explain his own story.

Enclosure 1, in No. 1.

PETITION of the HOUSE OF ASSEMBLY of UPPER CANADA.

To THE KING'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

WE, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly approach Your Majesty with our renewed assurances of loyalty and attachment to Your Majesty's person and Government.

It is with pain we acknowledge how seldom it is we have to address Your Majesty in the unmingled language of gratitude and thankfulness, and we have noticed the difficulties, at this distance from Your Majesty's immediate care, which attend the fulfilment of the most benevolent intentions.

We have now to pray Your Majesty's patient and impartial attention to the history of our complaint, against a sudden, abrupt, and most ungracious denial by his Excellency, of those indispensable constitutional principles in our local government, the just preservation of which is, above all things, calculated to endear Your Majesty to Your Canadian people, and to strengthen the bond of union between this loyal and valuable portion of Your empire and the parent state.

The Report of a Select Committee of Your Majesty's faithful Canadian Commons which has, after mature consideration, been adopted by this House, (and accompanies this Address,) will amply inform Your Majesty upon all particulars; and we regret it should necessarily contain disclosures to Your Majesty equally injurious to the interests and confidence of the people, and to the character of the royal station in this province. Under feelings of solicitude lest Your Majesty's royal ear should be prepossessed against us by those who have easier and secret access to Your Majesty and Your Majesty's Ministers, we have prayed the aid of Your Majesty's Imperial House of Commons, as will appear from the accompanying copy of our Memorial, in the hope that they will aid Your Majesty in extending to us speedy and effectual measures for the redress of our wrongs, and for the maintenance of the honour and dignity of the Crown.

(signed) Marshall S. Bidwell,
Speaker.

Commons House of Assembly, }
18 April 1836. }

Enclosure 1, in
No. 1,

Petition from
House of Assembly
to The King.

Enclosure 1, in
No. 1.

Petition from
House of Assembly
to The House of
Commons.

PETITION of the HOUSE of ASSEMBLY of UPPER CANADA.

To the Honourable the Knights, Citizens and Burgesses of the United Kingdom of *Great Britain and Ireland*, in Parliament assembled.

May it please Your Honourable House,

WE, His Majesty's dutiful and loyal subjects the Commons of Upper Canada in Provincial Parliament assembled, after unavailing struggles for a series of years, to obtain such an administration of our local affairs as would secure to the people of this province, possessing "the very image and transcript of the British Constitution," the blessings of good government, are at length driven to appeal to the wisdom, justice, and magnanimity of your Honourable House, in the hope that your powerful intercession with His Majesty may yet redeem us from a condition every day becoming more ruinous and alarming. We are not unacquainted with the overwhelming influence of station and weight of authority which will be brought to bear against our exertions to procure redress; and without the interposition of your Honourable House we entertain a fear, grounded on the experience of the past, that His Majesty's ear will be so abused by secret despatches and personal detractions as almost to set at defiance the best directed intentions of His Majesty to arrive at the truth. And we desire to add, as a further difficulty, an inveterate disposition to adhere to what is called the Colonial System, under which our present condition has been produced, instead of accommodating it as both wisdom and justice require, to the changing state and increasing wealth and population of the country.

In answer to the Address of this House to His most gracious Majesty, in the late Session, upon the subject of our grievances, we received as our new Lieutenant-Governor, his present Excellency, Sir Francis Bond Head, who by message communicated to this House the instructions he had received from His Majesty's Government for his guidance. But these instructions leave us under the same unsatisfactory and injurious system that has heretofore prevailed; and we practically feel that the institutions of the country are so directed, their operations so abridged, and public functionaries so protected in misgovernment by their distance from their superiors, as to render illusive and abortive the most promising schemes framed in England for our amelioration. Upon the arrival of Sir Francis Bond Head to represent His most gracious Majesty among the constitutional authorities of the province we were disposed to entertain the happiest expectations, and when his Excellency from the throne invited us to render him "that loyal constitutional, unbiassed and fearless assistance, which your King expects, and which the rising interests of your country require;" and when we saw our often repeated dissatisfaction with the Executive Council removed, and the highest public confidence secured by the addition of the Hon. John Henry Dunn, Robert Baldwin and John Rolph, Esquires, we fully believed that we were about to enjoy under his Excellency, the full benefit of our Charter, by a wise, impartial and constitutional administration of our affairs. The reign of universal thankfulness and tranquillity under this change of things was, we lament to state, of short duration. The country had always supposed that the Executive Council of the province from time to time appointed by His Majesty under the 31st Geo. 3. c. 31, to advise His Majesty and His representative upon the affairs of the province, actually discharged the important duties assigned to them by the constitution, in consequence whereof all public odium of the mismanagement of our affairs has been heretofore visited on the Executive Council, while every Lieutenant-Governor has been acquitted upon the presumption of his being, as pleaded to us by Sir F. B. Head, "a stranger lately arrived among us," and therefore unintentionally misled by corrupt advisers. But it has now come to light that the Executive Council have been almost limited in their duties to a Land Board and Board of Audit, while the affairs of the province, so unsatisfactorily managed, seldom passed under their review or were submitted for their advice. It appears from the appendix to this memorial to which we refer your Honourable House, and to which we earnestly pray a patient, candid and impartial regard, that the late Executive Council, composed of the whole Council with the aforesaid additions, after remaining three weeks in office under the old but concealed system of withholding from their advice the affairs of the province, addressed to his Excellency Sir F. B. Head the confidential representation hereto annexed, praying either that the affairs of the province might be systematically submitted for their advice, preparatory to his Excellency's final and discretionary action thereon, or that they might be allowed to disabuse the public respecting the nature and extent of the duties confided to them. And the need of this request must have been injuriously felt, from the fact, notorious to us and to the country, that every act of his Excellency's administration proved either that the late Council had betrayed public confidence; or that his Excellency followed the advice of uncertain, unsworn and irresponsible persons, neither possessing nor entitled to political confidence.

In the above constitutional, just and reasonable representation made to his Excellency in official confidence under oath, his Excellency made the reply also appended hereto, and concludes, after denying the constitutional origin and duties of the Council, with the assurance to his Council, "that his estimation of their talents and integrity as well as his personal regard for them remain unshaken, and that he is not insensible of the difficulties to which he will be exposed should they deem it necessary to leave him. At the same time should they be of opinion that the oath they have taken requires them to retire from his confidence rather than from the principles they have avowed, he begs that on his account they will not for a moment hesitate to do so." Under these circumstances, the Council feeling themselves under the alternative of abandoning either their principles or their place,

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place, honourably chose the latter. The aforesaid representation and reply, his Excellency's Answer to us accompanying the same, and various other popular explanations given by his Excellency to the public, with the public proceedings on the same, together with various other documents connected with the subject, and the adopted Report of a Select Committee thereon, are all appended hereto for the more full information of your Honourable House, and the more ample communication of our wants and views. It is with pain, disappointment and humiliation, we notice the reiterated declaration of his Excellency to conduct our affairs without the advice of the Executive Council, according to his own will and pleasure, which his public acts have already proved to be arbitrary and vindictive. And this view of his own sole ministerial power and authority with a nominal responsibility to Downing Street, he has sustained before the public by misstatements and misrepresentations so palpably opposed to candour and truth as to destroy all hopes of further justice from his government; all which is more fully set forth in the documents appended hereto. Since the registration of the late Council his Excellency has formed another, composed of Robert Baldwin Sullivan, Esq., and the Hon. William Allen, Augustus Baldwin, and John Elmsley; neither enjoying nor entitled to the political confidence of the people or their representatives. Upon the formation of this Council, although R. B. Sullivan, Esq. was sworn in and appeared to the public as Senior Councillor, upon whom, in the event of the death or absence of his Excellency, might devolve the administration of the government, yet a secret agreement was entered into, written in the Council Chamber by his Excellency himself, by which was to be defeated the apparent succession of the Senior Councillor to the administration of the government. This arrangement was denied by his Excellency to us in his answer to our Address on the subject; while on the other hand, the facts so derived are proved by the testimony of R. B. Sullivan, Esq. and the Hon. Captain Baldwin, both of whom are still retained by his Excellency in the Council. For other instances of his deviation from candour and truth, as well as of his utter unacquaintance with the nature of our constitution and the mode in which it should be administered, we refer to the appended documents, wherein are also detailed other grievances of an urgent and serious nature, to all of which we humbly pray the serious, speedy and impartial attention of your Honourable House. Being denied the beneficial and constitutional operation of our local institutions for the management of our local affairs; being threatened with the exercise of the unadvised, arbitrary government of his Excellency, virtually irresponsible, and being satisfied that nothing but an open, entire and honourable abandonment of this policy, equally unconstitutional and pernicious, will ever restore our peace, welfare and good government, we have, in justice to the people, whose civil and religious interests we are solemnly bound fearlessly to vindicate, been obliged, as a last resort, to stop (most reluctantly) the supplies; and for the attainment of redress in these and other matters contained in the appended Report, we pray the aid of your Honourable House.

And, as by inclination and by duty we are led and bound to do, we shall ever pray.

Commons House of Assembly, }
18 April 1836.

(signed) Marshall S. Bidwell,
Speaker.

COPY of a LETTER from Capt. A. Baldwin to Lieut.-Governor Sir F. B. Head, intended to correct an error with reference to his Evidence before the Select Committee of the House of Assembly, into which the Committee appear to have fallen in taking down his words relative to the Executive Council. Letter from Captain Baldwin to the Lieutenant-Governor.

Sir,

Russell Hill, April 16th, 1836.

ON looking over the Correspondent and Advocate Newspaper of the 21st April, I observed a statement of my evidence before a Committee of the House of Assembly on the late change in the Executive Council, as appended to the Report of that Committee, and seeing that the Committee must have misunderstood my answers in some points, and that they are not stated correctly, I beg leave to address your Excellency on the subject, lest any misunderstanding should arise with regard to the facts as they actually happened.

To the question put to me, "At whose suggestion was the paper drawn up?" I said "I believed at Mr. Elmsley's," and not, as stated, "At Mr. Elmsley's."

I did not state that the paper was drawn up "in the Executive Council Chamber," but that "it was written in the office of the Clerk;" for we did not go to the Council Chamber till we were called in one by one to be sworn.

I have, &c.

(signed) A. Baldwin.

Enclosure 1, in
No. 1.

Addresses from the
House of Assembly
to the Lieutenant-
Governor.

FOUR ADDRESSES of the HOUSE of ASSEMBLY of UPPER CANADA to the Lieut.-Governor
for Money on account of the Contingencies of the Session of 1836.

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian
Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of
the Province of Upper Canada, &c., &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly request that your Excellency would be pleased to issue your warrant on the Receiver-General in favour of the Speaker of this House, for 1,000*l.*, in part to defray the contingent expenses of this House, which sum we will make good during the present Session.

Commons House of Assembly, }
10 Feb. 1836.

(signed) *Marshall S. Bidwell*,
Speaker.

Gentlemen,

I SHALL have pleasure in complying with the request contained in your Address of this day.

To his Excellency Sir *Francis Bond Head*, к.с.н., &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly request that your Excellency would be pleased to issue your warrant on the Receiver-General in favour of the Speaker of this House, for 1,000*l.*, in part to defray the further contingent expenses of this House, which sum we will make good during the present Session.

Commons House of Assembly, }
10 March 1836.

(signed) *Marshall S. Bidwell*,
Speaker.

Gentlemen,

I SHALL be happy to comply with the request contained in your Address.

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian
Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of
the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in provincial Parliament assembled, humbly request that your Excellency will be pleased to issue your warrant on the Receiver-General in favour of the Speaker of the House of Assembly for the sum of 2,000*l.*, to defray in part the further contingent expenses of the present Session, which sum we will make good during the same.

Commons House of Assembly, }
14 April 1836.

(signed) *Marshall S. Bidwell*,
Speaker.

Gentlemen,

As the Legislature is to be prorogued on Wednesday next, I regret exceedingly that I cannot deem it advisable to comply with the request contained in this Address.

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian
Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of
the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request your Excellency will be pleased to issue your warrants to the Receiver-General of this province, in favour of Grant Powell, Esq., Clerk to the Honourable the Legislative Council, for the sum of 1740*l.*

Of Stephen Jarvis, Esq., Gentleman Usher of the Black Rod, for certain contingent expenses of the Honourable the Legislative Council during the present Session, for the sum of 329*l.* 5*s.*

Of James Fitzgibbon, Esq., Clerk of the House of Assembly, for the sum of 5,864*l.* 1*s.* 8½*d.*, to pay the contingent expenses of his office for the present Session and late recess.

Of

AFFAIRS OF UPPER CANADA.

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Of David A. McNab, Esq., Serjeant at Arms, for the sum of 561*l.* 14*s.* 11*d.*, to enable him to pay certain contingent expenses of the House of Assembly for the present Session. Which sums His Majesty's faithful Commons will make good during the next Session of Parliament.

Enclosure 1, in No. 1.

Commons House of Assembly, }
20 April 1836.

(signed.) Marshall S. Bidwell,
Speaker.

Addresses from the House of Assembly to the Lieut.-Governor.

Contingencies - - - - - £8,496 1*s.* 7*d.*

Item.—Of the above contingencies asked for, 2,700*l.* were, I have been informed, intended to pay Mr. O'Grady, the Editor of the "Correspondent and Advocate," and other presses patronized by the House, for the dissemination of 5,000 copies of their report, and for similar purposes.

Gentlemen,

I REGRET that the course taken by the House of Assembly in refusing to entrust me with the money for the province for the purpose of carrying on the ordinary affairs of government for the current year, forbids such a confidence on my part as your request involves.

Enclosure 2, in No. 1.

Copy of Lieutenant-Governor Sir F. B. Head's Speech on closing the Session of the Legislature of Upper Canada, on the 20th of April 1836.

Lieut.-Governor's Speech on closing the Session.

Honourable Gentlemen of the Legislative Council: and
Gentlemen of the House of the Assembly:

BEFORE I release you from the legislative duties in which you have been respectively engaged I consider it necessary to recapitulate the principal events of this Session.

You are perfectly aware that for many years the House of Assembly of Upper Canada have loudly complained of what they term their "grievances," and that at the end of your last Session these complaints having been referred to a "Committee of Grievances," were, by the Assembly, "ordered to be printed in pamphlet form." In pursuance of this order a volume, containing 570 pages, was forwarded to, and received by His Majesty's Government, as containing the sum total of the complaints of the people of this province.

Whether the mere order for printing this report of the Committee could be legally considered as sanctioning it with their opinions, I have no desire to discuss; because no sooner did the said report reach His Majesty's Government, than it was determined that the grievances it detailed should immediately be effectually corrected; and, accordingly, Instructions were drawn out by His Majesty's Secretary of State for the Colonies, in which each subject of complaint was separately considered, and a remedy ordered for its correction: and I have only to refer to those Instructions to prove the generosity with which His Majesty overlooked certain language contained in the report, and the liberality with which he was graciously pleased to direct that impartial justice should be administered to His subjects in this province.

His Majesty's Government having determined that I should be selected to carry these remedial measures into effect, I waited upon the Colonial Secretary of State, (to whom, as well as to almost every other member of the Government, I was a total stranger,) and respectfully begged leave to decline the duty, truly urging as my reason, that having dedicated my whole mind to a humble but important service, in which I was intently engaged, it was more congenial to my disposition to remain among the yeomanry and labouring classes of my own country, than to be appointed to the station of Lieutenant-Governor of Upper Canada. His Majesty's Government having been pleased to repeat their request, I felt it impossible not to accede to it; and I accordingly received the instructions which had been framed; and having had the honour of an interview with His Majesty, during which, in an impressive manner which I can never forget, he imposed upon me His royal commands to do strict justice to his subjects in this province, I left England with a firm determination to carry the remedial measures with which I was entrusted into full effect.

I arrived at this capital on the 23d of January last, and on the 27th I delivered a speech, in which I informed you I would submit in a message the answer which His Majesty had been pleased to give to the several addresses and representations which proceeded from the two branches of the legislature during the last Session. I added, that as regarded myself, I had nothing either to promise or profess, but that I trusted I should not call in vain upon you for that assistance which your King expected, and which the rising interests of your country required.

In thus officially coming before the legislature of this country from our gracious Sovereign, with a full measure of reform, I had expected that my appearance would have been hailed and welcomed by both Houses of the Legislature, more especially by that, from which had proceeded the Grievance Report; and I must own, I never anticipated it could seriously be argued for a moment that I was intruding upon the privileges of either House.

Enclosure 2, in
No. 1.

Lieut.-Governor's
Speech on closing
the Session.

Having made myself acquainted with the outline of public feeling in this province, by conversing calmly with the men of most ability of all parties, I communicated the result to Lord Glenelg, in despatches dated the 5th of February, of which the following are extracts :

"Under these circumstances I consider that the great danger I have to avoid is the slightest attempt to conciliate any party; that the only course for me to adopt is, to act fearlessly, undisguisedly, and straightforwardly for the interests of the country; to throw myself on the good sense and good feeling of the people, and abide a result which I firmly believe will eventually be triumphant."

"Whatever may be the result, I shall steadily and straightly proceed in the course of policy I have adopted: I shall neither avoid, nor rest upon any party; but after attentively listening to all opinions, I will, to the best of my judgment, do what I think honest and right; firmly believing that the stability of the throne, the interests of this province, and the confidence of the people, can now only be secured by such a course."

To the Speakers of both Houses, as well as to many intelligent individuals with whom I conversed, I declared my sincere determination to do justice to the people of this province. It was, however, with deep regret I observed, that from the House of Assembly I did not immediately obtain the assistance I expected in carrying the instructions of His Majesty's Government into effect; for I received various addresses requesting papers and information which I feared might excite troublesome and by-gone discussion.

On the 5th of February I received an address of this nature, to which, in as conciliatory a tone as possible, I replied at considerable length; and being now determined to urge, and, if possible, to lead the House of Assembly on towards reform, I concluded my reply in the following words :

"The Lieutenant-Governor takes this opportunity of appealing to the liberality and good sense of the House of Assembly for consideration; that as a stranger to this province, totally unconnected with the political differences which have existed in the mother country, he has lately arrived here, entrusted by our most gracious Sovereign with instructions, the undisguised object of which is, firmly to maintain the happy constitution of this country inviolate; but to correct cautiously, yet effectually, all real grievances.

"The House of Assembly is deeply interested in the importance and magnitude of the task he has to perform; and he is confident it will, on reflection, be of opinion, that the Lieutenant-Governor of this province had better look steadily forward to its future prosperity and improvement; that he had better attract into Upper Canada the superabundant capital and population of the mother country by encouraging internal peace and tranquillity, than be observed occupying himself solely in reconsidering the occurrences of the past.

"The Lieutenant-Governor does not assert that the latter occupation is totally useless; but he maintains that the former is by far the more useful, and that to attend to both is impossible."

This appeal did not produce the effect I had anticipated; but I received another address from the House of Assembly in behalf of eight Indians of the Wyandot tribe; and I had scarcely entered this new and questionable ground, when a counter-petition was forwarded by eleven members of the same tribe, in which they spontaneously declared, "We have the fullest confidence in the justice and fatherly protection of our beloved Sovereign and his representative the Lieutenant-Governor."

Another new set of grievances was now brought forward by the House of Assembly, in the form of an Address to the King on Trade and Commerce, which I immediately forwarded to His Majesty's Government, although the principal complaints in the Grievance Report still remained unnoticed and unredressed.

During these discussions I purposely refrained from having much communication with the old supporters of the government; because I was desirous to show those who termed themselves reformers, that I continued, as I had arrived, unbiassed and unprejudiced; and desiring to give them a still further proof that I would go any reasonable length to give fair power to their party, I added three gentlemen to the Executive Council, all of whom were avowed reformers.

With the assistance of these gentlemen—with His Majesty's instructions before us—and with my own determination to do justice to the inhabitants of this country, I certainly considered that the triumph of the reform which had been solicited was now about to be established, and that the grievances under which the people of this province were said to labour, would consecutively be considered and redressed. But, to my utter astonishment, these gentlemen, instead of assisting me in reform, before they were a fortnight in my service, officially combined together in an unprecedented endeavour to assume the responsibility I owed to the people of Upper Canada as well as to our Sovereign, and they concluded a formal document which they addressed to me on this subject, by a request that if I deemed such a course not wise or admissible, they, who had been sworn before me to secrecy, might be allowed to address the people! and I must own, that the instant this demand reached me, I was startled, and felt it quite impossible to assent to the introduction of new principles, which, to my judgment, appeared calculated to shake the fabric of the constitution, and to lead to revolution instead of reform.

Without discussing the arguments of the Council, I will simply observe, that had I felt ever so much disposed to surrender to them my station of Lieutenant-Governor and to act subversively to their advice; had I felt ever so willing obediently to dismiss from office

whomsoever

whomsoever they should condemn, and to heap patronage and preferment upon whomsoever they might recommend; had I felt it advisable to place the Crown lands at their disposal, and to refer the petitions and personal applications of the inhabitants of the remote counties to their decision; I possessed neither power nor authority to do so. In fact, I was no more able to divest myself of responsibility, than a criminal has power to divert from himself upon another the sentence of the law; and though, under the pretence of adhering to what is called "the image and transcript" of the British Constitution in this province, it was declared that the Executive Council must be regarded as a *cabinet*, I had no more power to invest that body with the attributes of a cabinet than I had power to create myself King of the province—than I had power to convert the Legislative Council into an hereditary nobility; or than I had power to decree that this *Colony* of the British Empire should henceforward be a *KINGDOM*.

From total inability, therefore, as well as from other reasons, I explained to my Council, in courteous language, that I could not accede to their views; and it being evidently necessary for the public service that we should separate, I felt it was for them rather than for me to retire. I received their resignations with regret; and, that I entertained no vindictive feelings, will be proved by the fact, that I immediately wrote to Lord Glenelg, begging his Lordship most earnestly not to dismiss from their offices any of these individuals on account of the embarrassment they had caused to me.

On the day the Council left me I appointed in their stead four gentlemen of high character, entitled by their integrity and abilities to my implicit confidence; and with their assistance I once again determined to carry promptly into effect those remedial measures of His Majesty's Government which had been solicited by the Grievance Report.

However, a new and unexpected embarrassment was now offered to me by the House of Assembly, who, to my astonishment, not only requested to be informed of the reasons why my Executive Council had resigned, but who, I have learned, actually suspended all business until my reply was received!

As the Lieutenant-Governor of this Province is authorized by His Majesty, in case of death or resignation, to name, *pro tempore*, the individuals he may think most proper to appoint to his Council, I might constitutionally, and perhaps ought to have declined to submit to either branch of the legislature my reasons for exercising this prerogative; but actuated by the earnest desire, which I had uniformly evinced, to comply with the wishes of the House of Assembly, I transmitted to them the correspondence they desired, with a conciliatory message which ended as follows:

"With these sentiments, I transmit to the House of Assembly the documents they have requested, feeling confident that I can give them no surer proof of my desire to preserve their privileges inviolate than by proving to them that I am equally determined to maintain the rights and prerogatives of the Crown, one of the most prominent of which is that which I have just assumed, of naming those Councillors in whom I conscientiously believe I can confide.

"For their acts I deliberately declare myself to be responsible, but they are not responsible for mine, and cannot be, because, being sworn to silence, they are deprived by this fact as well as by the constitution, of all power to defend themselves."

The House of Assembly referred the whole subject to a Committee, which, contrary to customary form, made its existence known to me by applying directly to me, instead of through the House, for other documents and informations, which I immediately forwarded, without objecting to the irregularity of the application; and the House, to my great surprise, prematurely passed its sentence upon the subject in an address, in which it declared to me its "deep regret that I had consented to accept the tender of resignation of the late Council."

The following extract from my reply to this unexpected decision will sufficiently explain the amicable desire I still entertained to afford all reasonable satisfaction.

"The whole correspondence I forward to the House of Assembly, with an earnest desire that, regardless of my opinion, the question may be fairly discussed."

"In the station I hold I form one branch out of three of the legislature; and I claim for myself freedom of thought as firmly as I wish that the other two branches should retain the same privilege.

"If I should see myself in the wrong I will at once acknowledge my error; but if I should feel it my duty to maintain my opinion, the House must know that there exists a constitutional tribunal competent to award its decision, and to that tribunal I am ever ready most respectfully to bow.

"To appeal to the people is unconstitutional as well as unwise—to appeal to their passions is wrong; but on the good sense of the House of Assembly I have ever shown a disposition to rely, and to their good sense I still confidently appeal."

Having thus thrown myself upon the integrity of the House of Assembly I might reasonably have expected that a favourable construction would have been placed upon my words and acts, and that the disposition which I had evinced to afford the most ample information, and to meet, as far as my duty would admit, the expectations and desires of the Assembly, would have been duly appreciated; the events, however, which soon after transpired, and the addresses which were presented to me in this city and from other places in the vicinity, conveyed to me the unwelcome information that efforts were being made, under the pretence of "the constitution being in danger," to mislead the public mind, and to induce a belief that I, as Lieutenant-Governor, had declared an opinion in favour of an arbitrary and irresponsible government, that I had shewn an entire disregard of the

sentiments.

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sentiments and feelings of the people whom I had been sent to govern, and that, therefore, the inhabitants of this country could never be contented or prosperous under my administration. Several petitions, purporting to be addressed to the House of Assembly and apparently forwarded by members of that House to individuals in the country, with a view to obtain signatures, having been returned to the Government Office, I had ample opportunities of becoming acquainted with the fact that there existed an intention to embarrass the government by withholding the supplies, and that even the terms had been prescribed to the people of the province in which they were expected to address their representatives for that object.

Now it will scarcely be credited that while I was thus assailed, while placards declared that the constitution was in danger, merely because I had maintained that the Lieutenant-Governor, and not his Executive Council, was responsible for his conduct, there existed in the Grievance Report the following explanation of the relative duties of the Lieutenant-Governors and of his Executive Council.

"It appears," say the Grievance Committee, "that it is the duty of the Lieutenant-Governor to take the opinion of the Executive Council only in such cases as he shall be required to do so by his instructions from the Imperial Government, and in such other cases as he may think fit. It appears by the following transactions that the Lieutenant-Governors only communicate to the Council so much of the private despatches they receive from the Colonial Office as they may think fit, unless in cases where they are otherwise specially instructed."

Gentlemen of the House of Assembly:

Having at your request transmitted to you the correspondence which passed between my late Executive Council and myself, and having reminded you that there existed "a constitutional tribunal competent to award its decision, and that to that tribunal I was ever ready most respectfully to bow," it is with surprise I learn that you have deemed it necessary to stop the supplies.

In the history of Upper Canada this measure has, I believe, never before been resorted to; and as I was the bearer of His Majesty's especial instructions to examine and, wherever necessary, to correct the "grievances" detailed in your report of last Session, I own I did not expect to receive this embarrassment from your House.

The effect of your deliberate decision will be severely felt by all people in the public offices, by the cessation of improvement in your roads, by the delay of compensation to sufferers in the late war, and by the check of emigration.

In the complaints you have made to His Majesty against me (in which you declare that my "ear is credulous," my "mind poisoned," my "feelings bitter," that I am "despotic," "tyrannical," "unjust," "deceitful," that my conduct has been "derogatory to the honour of the King," and "demoralizing to the community," and that I have treated the people of this province as being "little better than a country of rogues and fools"), you have availed yourselves of a high legislative privilege entrusted to you by your constituents, to the exercise of which I have consequently no constitutional objection to urge, but for the honour of this province in which I, though unconnected with the country, am as deeply interested as its inhabitants, I cannot but regret that while I was receiving from all directions the most loyal addresses, you, in your legislative capacity, should have characterized His Majesty's Government which has lately acted towards Upper Canada so nobly and disinterestedly by the expression of "Downing-street Law."

Honourable Gentlemen, and Gentlemen:

Having now concluded an outline of the principal events which have occurred during the present Session, I confess that I feel disappointed in having totally failed in the beneficent object of my mission.

I had made up my mind to stand against the enemies of reform, but I have unexpectedly been disconcerted by its professed friends. No liberal mind can deny that I have been unnecessarily embarrassed; no one can deny that I have been unjustly accused; no one can deny that I have evinced an anxiety to remedy all real grievances, that I have protected the constitution of the province, and that by refusing to surrender at discretion the patronage of the Crown to irresponsible individuals I have conferred a service on the back-woodsman, and on every noble-minded Englishman, Irishman, Scotchman and U. E. loyalist, who, I well know, prefer British freedom and the British Sovereign to the family domination of an irresponsible cabinet.

It now only remains for me frankly and explicitly to declare the course of policy I shall continue to adopt as long as I may remain the Lieutenant-Governor of this province, which is as follows:

I will continue to hold in my own hands for the benefit of the people, the power and patronage of the Crown, as imparted to the Lieutenant-Governor of this province by the King's instructions; I will continue to consult my Executive Council upon all subjects on which, either by the Constitutional Act or by the King's instructions, I am ordered so to do, as well as upon all other matters in which I require their assistance. I will continue to hold myself responsible to all authorities in this country, as well as to all private individuals, for whatever acts I commit, either by advice of my Council or otherwise, and will continue calmly and readily to afford to all people every reasonable satisfaction in my power. I will use my utmost endeavours to explain to the people of this province that they want only wealth and population to become one of the finest and noblest people on the

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the globe, that union is strength, and that party spirit produces weakness, that they should consequently forgive and forget political as well as religious animosity, and consider as their enemies only those who insidiously promote either; that, widely scattered as they are over the surface of this extensive country, they should recollect with pride the brilliant history of "the old country," from which they sprung, and, like their ancestors, they should firmly support the British standard, which will ever afford them freedom and disinterested protection; that by thus tranquillizing the province, the redundant wealth of the mother country will irrigate their land, and that her population will convert the wilderness which surrounds them into green fields; that an infusion of wealth would establish markets in all directions, as well as good roads, the arteries of agriculture and commerce; that plain, practical education should be provided for the rising generation, as also the blessings of the Christian religion, which inculcates "Glory to God in the highest, and on earth peace, good-will towards men."

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Taking every opportunity of offering these recommendations to the inhabitants of this province, I shall in no way attempt to enforce them; on the contrary, I shall plainly promulgate that if the yeomanry and farmers of Upper Canada are not yet sufficiently tired of agitation, if they do not yet clearly see what a curse it has been to them, it will be out of my power to assist them; that if they insist on turning away the redundant wealth as well as the labourers of the mother country to the United States, I shall be unable to prevent them; in short, that if they actually would rather remain as they are than become wealthy, as they might be, my anxiety to enrich them must prove fruitless.

On the other side, whenever they shall be disposed to join heart and hand with me in loyally promoting the peace and prosperity of the province, they shall find me faithfully devoted to their service. In the mean while I will carefully guard the constitution of the country, and they may firmly rely that I will put down promptly, as I have already done, the slightest attempt to invade it.

With inward pleasure I have received evidence of the invincible re-action that is hourly taking place in the public mind, and for the sake of the province rather than for my own I hail the manly British feeling which in every direction I see, as it were, rising out of the ground, determined to shield me from insult and to cheer and accompany me in my progress towards reform.

I have detained you longer than is customary, but the unprecedented events of this Session have made it necessary to do so.

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UPPER CANADA.

ADDRESSES from different parts of the Province to Lieutenant-Governor
Sir Francis Bond Head, K.C.H., referred to in the accompanying Despatch.

Address from
the Provinces to
Lieut.-Governor.

	Signatures.
1. City of Toronto - - - - -	1,640
2. County of Hastings - - - - -	716
3. District of Niagara - - - - -	754
4. District of Prince Edward - - - - -	864
5. Kingston, and vicinity - - - - -	570
6. Newmarket, and vicinity - - - - -	114
7. Town of Niagara - - - - -	96
8. Youge Street - - - - -	155
9. Township of Ancaster - - - - -	147
10. Township of Stamford - - - - -	192
11. Bytown, two addresses - - - - -	281
12. Township of Georgina - - - - -	60
13. Township of Guelph - - - - -	167
14. Peterboro', and vicinity - - - - -	1,026
TOTAL - - -	6,782

—No. 1.—

To his Excellency Sir Francis Bond Head, K.C.H. &c. &c. &c., Lieut.-Governor of
Upper Canada, &c. &c.

May it please your Excellency,

WE, the undersigned inhabitants of the city of Toronto and its immediate vicinity, beg leave to express to your Excellency our deep regret at the difficulties which have recently arisen on the subject of the constitutional duties of the Executive Council of this province.

We view with the strongest feelings of disapprobation and indignation the efforts which have recently been made and are now making to take advantage of these difficulties, for the purpose of embarrassing your Excellency in the administration of the government of this

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province, and for the purpose of creating an excitement and disturbance in the colony which is calculated to produce the most injurious and fatal effects, and to be subversive of the peace, welfare and good government of the country.

We feel the highest satisfaction at the sentiments expressed by His Majesty's Government on the affairs of the colony, as contained in the royal instructions to your Excellency, which were laid before the legislature immediately after your arrival in this city.

We have the highest confidence in the talents and integrity of your Excellency, and in the sincerity of your repeatedly declared desire to carry into effect the liberal intentions of His Majesty's Government towards the people of this province, and we view with unqualified admiration the candour, the conciliatory manner and the manly firmness with which your Excellency has met the demonstrations which have recently been made to embarrass your Excellency in the administration of your government, and to create an excitement and disturbance in this prosperous and highly favoured country.

Ardently attached to the Government and institutions of the great empire of which these colonies have the advantage of being an integral part, we are determined by all lawful means in our power to preserve and perpetuate the connexion, and to oppose and counteract every effort which may now be making, or which hereafter may be made, either openly or insidiously, to dissolve or weaken that connexion, and to introduce into the institutions of this province changes which are incompatible with the principles of the British form of Government.

Convinced that the prerogatives of the Crown are only a sacred trust for the protection of the rights and liberties of the people, and that by sustaining the one we are taking the most effectual means of securing the other, we beg to assure your Excellency that we shall make use of all lawful and constitutional exertions to uphold your Excellency in the administration of the government of this province, and to support you in your determination to carry into effect the liberal intentions of his Majesty's Government towards the people of this colony.

Number of signatures attached to this Address - - 1640.

—No. 2.—

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieut.-Governor of the Province of Upper Canada, &c. &c. &c.

WE, the inhabitants of the county of Hastings have seen the correspondence lately published between the late Executive Council and your Excellency, and have read with pleasure your Excellency's determined, talented and firm arguments in that correspondence relative to the charter of our liberties, our constitutional act, and cannot but express our regret at the premature and hasty resignation of said Councillors, particularly at a moment when your Excellency was preparing for their consideration measures of reform for the better administration of good government in this province, and would beg your Excellency still to continue in the same resolution of upholding and supporting the best interests of our agriculturists and advancing the prosperity of our province.

Number of signatures attached to this Address - - 716.

—No. 3.—

To his Excellency Sir *Francis Bond Head*, Lieutenant-Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, the undersigned inhabitants of the district of Niagara, who profess loyalty to our Sovereign, deem it our duty to come forward at the present crisis of affairs in this province, and declare our attachment to the constitution of the country, and approval of the conduct of the representative of our king.

We have read the document signed by the late Executive Council to your Excellency, and your Excellency's reply. We have also read the Petition of the Council of the City of Toronto to your Excellency, and your Excellency's answer thereto. We now do most willingly and cheerfully come forward to record our approbation of the firmness of character exhibited by your Excellency; and we are pleased to hear that your Excellency will "maintain the happy constitution of the country inviolate," and will "cautiously, yet effectually, correct all real grievances." We are also pleased to find that your Excellency consults the "interests of the farmer," in preventing the patronage of the province passing into the hands, (which it would do) "of a few families, which might possibly promote their own views to the rejection of the interests of the distant counties."

We regret that any differences should have arisen between your Excellency and the Executive Council at this time; but we hesitate not to declare, that we approve of the conduct of your Excellency; and we believe that if those invested with power would lay aside all private feelings, and "forgive and forget" all political animosity, that His Majesty's wishes, as expressed in your instructions, would be promptly executed.

Number of signatures attached to the Address - - 754.

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—No. 4.—

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No. 1.

To his Excellency Sir *Francis Bond Head*, K. C. H., Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

Address from
the Provinces to
Lieut.-Governor.

WE, His Majesty's loyal and devoted subjects, the inhabitants of the district of Prince Edward, in approaching your Excellency, beg leave to express in the most unequivocal manner, our firm attachment to the king and constitution, and to the continuance of our connexion with the mother country, a connexion which has raised this province to its present prosperous and flourishing condition.

We fully coincide with your Excellency in your interpretation of the Constitutional Act; and are convinced had you yielded to the demands of your late Executive Council, and transferred to them the power and responsibility which are invested in yourself, your thus consenting to place the patronage of the Crown in the hands of a few leading individuals, would bring about a change injurious to the best interests of both Crown and people.

Impressed with these sentiments, we rejoice to know that your Excellency has expressed your firm determination to maintain inviolate the constitution of this province, and, at the same time, to proceed in the reformation of any abuse that may exist, and fully relying on these your Excellency's determination,

We have the honour to be, &c.

Number of signatures attached to this Address - - 864.

—No. 5.—

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Guelphic Order of Hanover, and of the Prussian Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

WE, His Majesty's faithful and loyal subjects, inhabitants of the town and township of Kingston, in the midland district, most respectfully crave leave to address your Excellency at this time of political agitation.

Assembled in general meeting duly convened, we beg to assure your Excellency that we view the increase and prosperity of this province as mainly attributable to its connexion with the parent state, and that our duty, as well as our interests require that such connexion should be defended at all hazards.

That we owe allegiance to His Majesty, and obedience to those prerogatives with which the constitution has invested him for the good of the people.

That while Upper Canada continues to be a British colony, the Lieutenant-Governor as the representative of, and responsible to His Majesty, is, by the Act of 31 Geo. 3, made wholly and solely responsible for the acts of his government, and that it was never contemplated by that Act to invest an Executive Council with such responsibility.

That while we perceive with regret the differences which have occurred between your Excellency and the late Executive Council, we cannot but rejoice at your determination to uphold the present constitution, assured that while you preserve the prerogatives of the Crown, you will maintain inviolate the rights and liberties of the people.

That during the short period since your Excellency's accession to the government of this province, your upright manly and uncompromising conduct has been such as to call forth the respect of all classes of His Majesty's subjects in this province, and to assure them, that your Excellency is eminently qualified and manifestly desirous to promote the true interests of this rapidly rising portion of His Majesty's empire.

May your Excellency long continue to rule over us with the candour and honesty, the firmness and dignity which has already characterised your administration of the government of this province.

Kingston, 30th March 1836.

Number of signatures attached to this Address - - 570.

—No. 6.—

To his Excellency Sir *Francis Bond Head*, K. C. H., &c. &c. &c., Lieutenant-Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, the undersigned inhabitants of the village of Newmarket and the adjacent country, beg leave to express to your Excellency our deep regret at the difficulties which have recently arisen on the subject of the constitutional duties of the Executive Council of this province.

We view, with the strongest feelings of disapprobation and indignation, the factious efforts which have recently been made, and are now making, to take advantage of those difficulties for the purpose of embarrassing your Excellency in the administration of the government of this province, and for the purpose of creating an excitement and disturbance

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turbance in the colony, which is calculated to produce the most injurious effects, and to be subversive of the peace, welfare and good government of the country.

We feel the highest satisfaction at the sentiments expressed by His Majesty's Government on the affairs of this colony, as contained in the royal Instructions to your Excellency, which were laid before the legislature immediately after your arrival in the city of Toronto.

We have the highest confidence in the talents and integrity of your Excellency, and in the sincerity of your repeatedly declared desire to carry into effect the liberal intentions of His Majesty's Government towards the people of this province; and we view with unqualified admiration the candour, the conciliatory manner, and the manly firmness with which your Excellency has met the factious demonstrations which have recently been made to embarrass your Excellency in the administration of your government, and to create an excitement and disturbance in this prosperous and highly favoured country.

Ardently attached to the government and institutions of the great empire of which these colonies have the advantage of being an integral part, we are determined, by all lawful means in our power, to preserve and perpetuate that connexion, and to oppose and counteract every effort which may now be making, or which hereafter may be made, either openly or insidiously, to dissolve or weaken that connexion, and to introduce into the institutions of this province changes which are incompatible with the principles of the British form of Government.

Convinced that the prerogatives of the Crown are only a sacred trust for the protection of the rights and liberties of the people, and that by sustaining the one we are taking the most effectual means of securing the other—we beg to assure your Excellency that we shall make use of all lawful and constitutional exertions to uphold your Excellency in your administration of the government of this province, and to support you in your determination to carry into effect the liberal intentions of His Majesty's Government towards the people of this colony.

Number of signatures attached to this Address - - 114.

—No 7.—

To his Excellency, Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, the inhabitants of the town of Niagara, subjects firmly attached to the parent empire, and appreciating the blessings of the British constitution, beg leave respectfully to address your Excellency at the present political crisis.

The limited experience we have had of your past administration in this colony convinces us that Upper Canada has acquired in you an uncompromising representative of His Majesty, and we sincerely trust that no schism in your Councils, nor undue interference from any quarter, will ever divert you from those defined constitutional principles you have already adhered to for the credit of the country, the lasting honour of yourself, and the dignity of His Majesty's Crown.

In the present political strife, we consider ourselves called upon as subjects of His Majesty, and firmly attached to his supremacy, and those principles consolidated in the colonial constitution, to express our undisguised sentiments.

We have recently had called to our attention the appointment of your first Executive Council, and we consider that you correctly exercised the prerogative that is vested in you, and that in accepting their resignation, and calling other individuals to your cabinet, you evinced a discretion and dignity worthy of your exalted situation.

We are well assured that at present there exists no excited state of public feeling in this district, nor, to any alarming extent, elsewhere, occasioned by the proceedings between your Excellency and your Council.

We sincerely regret that the measures of conciliation suggested, and the unwearied parental forbearance exercised on the part of the British Government, through His Majesty's representatives in both provinces, for our mutual prosperity should have been so unfortunately misplaced, and those remedial measures recommended for our benefit paralyzed in their effect.

We ever desire to see the Constitutional Act of this colony upheld by the King, and shielded by the people, from all vital innovations in its original spirit, and transmitted unimpaired to latest posterity.

In conclusion, we, the inhabitants of this town, the first established in this colony, and sufficiently tried for loyalty and sufferings, beg leave to express our admiration of that decisive course your Excellency has adopted in the recent difficulties you have contended with, in reconciling public opinion, and resisting any improper interference; and we unanimously declare ourselves pledged with our influence and hearts to serve King and country, and persevere in maintaining an administration based so firmly on constitutional principles.

Number of signatures attached to this Address - - 96.

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(No. 8.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

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WE, the loyal inhabitants of Youge Street, sensible of the many distinguished privileges we enjoy by our connexion with the British empire, beg leave hereby to tender you our most sincere thanks for, and approbation of, your very independent and faithful conduct since assuming the government of this happy and thriving colony; and particularly for the able, clear and distinct manner in which you have elucidated the nature and bearings of our well tried constitution, to the dismay and discomfiture of a few political partisans, who seek to destroy its nicely balanced powers, by making every thing subservient to a dominant political faction, than the which no greater calamity could befall our adopted country.

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Fully engaged in our various pursuits in the social interchanges of private life, and the quiet enjoyment of agricultural employment, we have neither leisure nor disposition to take part in all the political excitement which is kept alive by a few selfish, designing and ambitious men, for the gratification of private ends; but possessing an inviolable attachment to the mother country, to the genius and spirit of her institutions and laws, and desiring to see her exercise a paramount influence in the administration of our government, we *firmly rely upon her strong arm* to protect us against all such innovations and changes as would destroy our happy constitution. That you may stand firmly by it, and with all that promptitude and decision you have so fearlessly and manfully evinced, is the most fervent prayer of His Majesty's loyal subjects of Youge Street.

Number of signatures attached to this Address - - 155.

(No. 9.)

To his Excellency Sir *Francis Bond Head*, Knight, Lieutenant-Governor of Upper Canada.

WE, the undersigned freeholders and householders of the township of Ancaster and its vicinity, beg leave to assure your Excellency that we have witnessed with great pain and indignation the attempts made to embarrass and impede your Excellency's administration in this province, which, under the wise and paternal instructions of His most gracious Majesty, augured so favourably for its future prosperity. We are convinced that it is but a small number of the respectable inhabitants of this province who would thus interpose to frustrate your Excellency's beneficent intentions, and many of those have been misled by the unceasing efforts of a few designing men, who have long endeavoured to distract and agitate this province, and retard its future advancement in wealth, greatness and renown.

We therefore consider it our imperative duty to assure your Excellency that we should ever strive to uphold, by every means in our power, that happy form of government which Great Britain has guaranteed us by the Constitutional Act, and are determined to maintain inviolate the existing connexion between this province and the parent State.

Individually and unitedly we congratulate your Excellency on your arrival among us, and fervently pray that, by the assistance of Divine Providence, you may be the instrument of diffusing throughout the province the blessings of good government and peace, of which your conduct since the commencement of your administration is a happy harbinger and certain pledge.

Number of signatures attached to this Address - - 147.

(No. 10.)

To his Excellency Sir *Francis Bond Head*, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

WE, His Majesty's dutiful and loyal subjects resident in the township of Stamford, in the said province, beg leave respectfully to address your Excellency, to state that we accord with your Excellency in the desire which you have shown to maintain our glorious constitution (the envy of all nations) inviolate; anticipating the happiest results when your Excellency shall deem it expedient to carry into effect those measures of reform which may be deemed necessary, and to which you referred in your Excellency's Message to the Legislature.

We are aware that there exists a certain faction in this province, whose aim is doubtless to mutilate or overthrow that constitution, and render nugatory the best intentions of His Majesty towards the people of this colony; and for the purpose of those persons of this township who are attached to His Majesty's Government having an opportunity of expressing their approbation thereof and your Excellency's conduct, a meeting was advertised for the 6th instant, when from the industry of the radical faction bringing together

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a large number of people from other townships, equally discontented or disaffected, their wishes could not then be realized, which party are handing about petitions at the present time for signature, for the purpose of thwarting the representative of His Majesty in carrying into effect his anxious wishes for their welfare and happiness. In such a crisis as this we feel ourselves called upon to testify our loyalty and attachment to our beloved Sovereign and our excellent constitution, and to express our sincere acknowledgements to your Excellency for the calm and deliberate manner in which you have endeavoured to convince that faction their views of the constitution are erroneous, and that any infringement thereof or alteration required by them (which we have seen in the public prints), must tend ultimately to militate against the best interests of the inhabitants of this province. We regret that in so short a period of your administering the government of Upper Canada any differences should have arisen between your Excellency and the late Executive Council, and trust that when a thorough knowledge of what is required of the present one is entertained, they will cordially and conscientiously aid your Excellency in the discharge of the important duties pointed out in His Majesty's instructions for the government of this province.

Stamford, 7th April 1836.

Number of signatures attached to this Address, 192.

(No. 11. A.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of Upper Canada.

May it please your Excellency,

WE, the undersigned inhabitants of Bytown and its vicinity, beg leave to offer your Excellency our sincere congratulations on your arrival in this province, and on commencing the discharge of those high and important duties attached to the eminent situation in which our revered Sovereign has been pleased to place you.

The recent events in your Excellency's Council have been received by us with deep regret, as happening at so early a period after your arrival among us; and fearing that some temporary inconvenience might be felt by your Excellency being deprived of the assistance of those who had been deemed qualified to act as advisers in cases where your Excellency might think proper to consult them. But when we reflect that some of the Council had been selected by your Excellency's predecessors, and that your Excellency has been pleased to express your regret that a difference of opinion should be deemed by them a sufficient ground for withdrawing their services, it would ill become us, either in reference to your Excellency's predecessors, (of whose services to the country we entertain a grateful recollection), or to your own opinions so candidly expressed, to indulge in blaming those members of your Council who have acted as they have thought incumbent upon them to do. We cannot, however, allow this opportunity to escape, without conveying to your Excellency our grateful thanks for the candid, firm and open declaration of the line of political conduct your Excellency has been pleased to avow; and we hail the clear and open exposition of the principles of our happy constitution which your Excellency has been pleased to set forth as the surest pledge we can receive of the sentiments you entertain; and that under your Excellency's administration those principles so dear to every loyal subject will be maintained with unsullied purity.

With unqualified sentiments of approbation of the line of conduct heretofore pursued by your Excellency, we beg leave to convey to you at the same time the assurance of our high estimation of the many privileges we enjoy under the protection of the British Government, privileges so dear and justly appreciated by every well-wisher of this province, that in their support, and (if need be) in their defence, your Excellency may implicitly rely upon the zeal and good feeling of the inhabitants of Bytown and its vicinity.

Number of signatures attached to this Address - - 211.

(No. 11. B)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieut.-Governor of the Province of Upper Canada.

May it please your Excellency,

WE, the undersigned inhabitants of Bytown and vicinity, fully appreciating the blessings of the British Constitution, under which we live, beg leave to address your Excellency at the present eventful crisis.

The principles of our constitution, which your Excellency has so clearly defined, and the firmness which you have exhibited in upholding them, are sources of unmingled pleasure to us; we accordingly return your Excellency our most grateful thanks, and we earnestly pray that you will never depart from them.

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We think we see in the conduct of certain individuals, whom your Excellency was pleased to elevate to your Council (acting as they manifestly did, under the guidance of the leader of a political faction), signs of an already deeply rooted conspiracy against that frame of government which has fostered and encouraged this infant colony; but we have the utmost confidence, that by a continuation of the decision which your Excellency has already exhibited, evincing as it does an intimate foreknowledge of our real interests, we shall be spared from democratic tyranny, and still have the happiness to remain a part of the British Empire.

We deprecate the conduct of those who, pretending to represent the sentiments of the people, either from ignorance or treachery, or both, make use of language towards your Excellency, as the King's representative, not only grossly insulting towards His Majesty, but highly degrading to themselves, and abusing their legislative privileges, by distributing through the province, at the expense of a much injured and deceived people, a seditious petition for signature, calling upon themselves to stop the supplies; thus more clearly proving the existence of the conspiracy before referred to.

Your Excellency may however be assured that the body of the people will not fail in their allegiance, should the day of trial arrive; and we pledge ourselves to support your Excellency in the maintenance of the just prerogatives and authority of His Majesty over this province.

Number of signatures attached to this Address - - 70.

(No. 12.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and Knight of the Prussian Military Order of Merit, Lieut.-Governor of the Province of Upper Canada.

WE, the undersigned inhabitants of the township of Georgina, beg respectfully to state to your Excellency the surprise and regret with which we view the sudden resignation of the late Executive Council, at a period when their services were most required.

We also beg to state the concern with which we observe that printed petitions, addressed to the House of Assembly, are in circulation for signature throughout the country, praying that House, in consequence of such resignation, to adopt measures unconstitutional in themselves, injurious to the interests of this province, and tending ultimately to its separation from the parent State.

Aware of the rational liberty we enjoy under our present constitution, and of the advantages this colony derives from its connexion with Great Britain, we should look with alarm upon such attempts of factious demagogues, and their deluded followers, but that we rely, under Providence, upon that steady and fearless execution of your duty, which your Excellency has already shown for the preservation to us of these blessings unimpaired.

Number of signatures attached to this Address - - 60.

(No. 13.)

To his Excellency Sir *Francis Bond Head*, К. С. Н., &c. &c. &c., Lieut.-Governor of the Province of Upper Canada.

WE, His Majesty's dutiful and loyal subjects, inhabitants of the township of *Guelph*, in the district of *Gore*, and province aforesaid,

Respectfully represent,

THAT we view with extreme regret the strenuous exertions now making by a portion of the residents of this province, to embarrass your Excellency's government and thwart the gracious intentions of our beloved Sovereign, as expressed in your Excellency's communication to the two Houses of the Legislature.

That we respectfully beg to make known to your Excellency the satisfaction we feel in the determination expressed by your Excellency, to uphold inviolate our excellent constitution, perfectly satisfied that it secures to all classes of His Majesty's subjects that true, equal and perfect liberty which ever emanates from the spirit of the British Constitution.

That we beg to assure your Excellency of our firm determination to support, by every means in our power, your Excellency's administration in the enforcement of the laws, and the carrying into effect His Majesty's most gracious intentions.

Guelph, 5th April 1836.

Number of signatures attached to this Address - - 167.

Enclosure 3, in
No. 1.

Addresses from
the Provinces to
Lieut.-Governor.

(No. 14.)

Enclosure 3, in
No. 1.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieut.-Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

Addresses from
the Provinces to
Lieut. Governor.

WE, the undersigned inhabitants of Peterboro' and its vicinity, beg leave most respectfully to approach your Excellency, with an offer of our sincere thanks for your uncompromising, manly and straightforward conduct since you assumed the administration of the government of this province; we feel from it a most cheering confidence for the future, and earnestly hope that your Excellency may see no cause to alter the course you have so ably struck out for conducting the affairs of the government.

We view with sorrow and disapprobation the vile attempts which have been made to embarrass your Excellency, and again thank you, Sir, for the able and firm manner in which you have met them. We are perfectly willing, and will be at any moment ready to support your Excellency, whenever it is necessary that our energies should be called forth for that purpose.

Number of signatures attached to this Address + - 1,026.

— 2. —

COPY of an ADDRESS to The KING from the ASSEMBLY of *Upper Canada*, with the Appendix of Documents transmitted therewith to the Secretary of State.—
See APPENDIX (H.), p. 69.

To the Honourable the Commons House of Assembly.

Report of Com-
mittee to Commons
House of Assembly.

THE Committee to whom was referred the correspondence between his Excellency the Lieutenant-Governor and the late members of the Executive Council of this province, having examined the various documents referred to them, and having carefully considered the subject discussed in the correspondence, submit the following Report.

The Committee are deeply convinced of the truth of Lord Glenelg's opinion, that "the present is an era of more difficulty and importance than any which has hitherto occurred in the history of this part of His Majesty's dominions;" and not less are they convinced that the difficulty has been increased instead of being diminished since the date of Lord Glenelg's despatch. It is at such a crisis that we are called to the discussion of a question of vital importance to the people of this province, a question which, in the opinion of the Committee, is no less than this: whether we have, as we have been taught to believe, a constitution "the image and transcript of that of Great Britain," or have only a mutilated and degraded constitution.

The increasing dissatisfaction which has been produced by the mal-administration of our provincial affairs, under Lieutenant-Governors Gore, Maitland and Colborne, has been so well known and so general, that even the Colonial Office seems to have been awakened to a sense of the necessity of ameliorating our condition, by holding out the encouraging prospects of relief and reform. To our complaints, too long neglected and unredressed, attention was at length to be paid. Sir John Colborne (with whose measures, maxims and advisers His Majesty's subjects had long been dissatisfied), was removed, and a Lieutenant-Governor was sent out, to administer the affairs of the province in such a way that the people should have reason to be attached to the parent State, from sentiments of affection and gratitude, as well as from principles of duty. As he was a stranger to the province, to its affairs and history, to the wants, sentiments and habits of its inhabitants; and as the measures complained of under Sir John Colborne's administration had been attributed in a great degree, if not altogether, to evil advisers, much anxiety was felt that the new Lieutenant-Governor should call to the Executive Council persons in whose sound constitutional principles, integrity and prudence the country could put confidence. The appointment of Messrs. Dunn, Baldwin and Rolph, therefore, afforded general and lively satisfaction, not unmixed, however, with serious apprehensions that the influence and presence of the old Councillors who were supposed to have advised Sir John Colborne, would embarrass his Excellency and the new Councillors in the pursuit of a more impartial, conciliatory and constitutional system of government. The House and the country were not then aware that this Executive Council had been used as a mere screen for the acts of the Lieutenant-Governor; on the contrary, it was generally understood that they were consulted on the affairs of the province.

That the principles of the British Constitution were not put in practice as it regarded this Council in one respect was well known, and had been the subject of earnest complaint on the part of your honourable House; we allude to the fact that persons had been appointed or continued as Councillors whose political opinions or principles were in opposition to those of the people and their representatives, and in many cases to the express wishes and intentions

tions of His Majesty's Government; as for instance, the contemptuous treatment given to Lord Goderich's despatch, as well as to its noble author. But the country were ignorant how much the affairs of the province had been conducted by the arbitrary will of the Lieutenant-Governor himself, with no other counsel than the secret suggestions and recommendations of unsworn, irresponsible and unknown advisers.

Much and justly as the people of this province had been dissatisfied with the condition of our public affairs, they were nevertheless not aware of the extent to which the unconstitutional proceedings of the Lieutenant-Governors of this province had been carried.

Every day, however, discovers new cause of complaint on the one hand, and the contemptuous indifference with which all complaints are regarded on the other.

From the documents referred to the Committee it pretty plainly appears that the Lieutenant-Governor had not consulted the Council at all after the new Councillors were sworn in [See the representations of the Council hereunto appended, marked (A.);] although during the interval between that event and their resignation, three weeks of anxious expectation on the part of the people and their representatives had elapsed, and during that time his Excellency had made various appointments, which he could not make advantageously or properly without information and advice from some one.

His Excellency also refused to give the royal assent to a Bill demanded by justice and humanity, and passed for more than ten years almost unanimously by repeated and different Houses of Assembly, although, during the present winter, Lord Gosford had informed the legislature of Lower Canada that the royal assent would be given by the King in Council to a similar Bill which had been passed by the Parliament of that province, and reserved for the signification of His Majesty's pleasure. Upon this refusal to assent to a Bill which had thus received the sanction and approbation of both Houses of Parliament in Lower Canada, and both Houses of Parliament in Upper Canada, and been approved of by His Majesty's Government, after deliberate consideration, it is plain that the Executive Council had never been consulted, and indeed all the measures subsequently adopted so disappointed expectation, as plainly to indicate either that the Council were not consulted, or that the old members, with the umpirage of the Lieutenant-Governor, predominated.

Your Committee are forced to believe that the appointment of the new Councillors was a deceitful manœuvre to gain credit with the country for liberal feelings and intentions, where none really existed; for it was notorious that his Excellency had really given his confidence to and was acting under the influence of secret and unsworn advisers. Under these circumstances the Council seem to have been led (in conformity, indeed, with a suggestion of his Excellency himself), to examine the nature and extent of their duties under the Constitutional Act, and having discussed the subject with his Excellency personally at the Council Board, they united, ten days afterwards, in an unanimous and respectful representation, in writing, to his Excellency, in which, after adverting to the critical state of public affairs and the general discontent with the past administration, which no one can doubt, they state their views of the Constitutional Act, (31st Geo. 3. c. 31), as it respects the Executive Council, and draw from it the following conclusion:

"*Firstly.*—That there is, according to that statute, an Executive Council.

"*Secondly.*—That they are appointed by the King.

"*Thirdly.*—That they are appointed to advise the King and his representative upon '*the affairs of the province.*' No particular affairs are specified; no limitation to any particular time or subject."

They represent, that, according to our constitution, the Lieutenant-Governor should consult the Executive Council upon the affairs of the province generally, and not merely occasionally, although (except in certain cases where their concurrence is by statute expressly required), his Excellency would still be at liberty to reject the advice when given; and they recommend that, with the exception of those matters of so weighty or general a character as not properly to fall under any particular department, and therefore fitted for the deliberation of the Council collectively, the affairs of the province should be distributed into departments, to the heads of which shall be referred such matters as obviously appertain to them respectively.

We have been careful to state the exact propositions of the late Council, as contained in their representation, because it is important to know what are the real points in controversy; and because his Excellency, in various public documents, has given (to use the mildest terms) a very erroneous account of these propositions. He describes them as attempting to divest him of his responsibility, and of his power and patronage, although nothing was proposed by the Council, except that which we have above stated.

Your Honourable House will observe that the late Executive Council, in their representation to his Excellency, have placed their duties upon the most moderate scale. It is merely proposed that the affairs of the province should be submitted for their advice, before the Lieutenant-Governor exercises his own discretionary power upon them; and if the general business were, as recommended, distributed into departments, it would obviously facilitate the reference of any matter by his Excellency for information or advice. Yet this simple proposition, in the opinion of your Committee so reasonable to a candid, and so acceptable to any *well constituted mind*, is repelled by his Excellency with seeming indignation; and the Councillors, in a most arbitrary manner, coerced from their office; and, after their resignation, literally traduced. Upon such official conduct (whatever the station from which it comes), your Committee cannot forbear freely to animadvert; for the country will in vain look for talented and honourable men to fill the public stations, and

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aid the conduct of public affairs, if subjected to ignominy and reproach, without vindication by the representatives of the people, whose highest interests in the King's Councils they have undertaken to serve.

It is therefore with pain your Committee notice, in the conclusion of his Excellency's reply to the late Council [hereto appended, marked (B.)], the discreditable alternative offered them. It appears from Mr. R. Baldwin's letter, that when he and his colleagues accepted the invitation to join the Executive Council, their political principles were made known, and very fully explained to Sir Francis Head; and when jointly waiting upon him more formally, to receive a united invitation, it appears he accepted their services with the avowed retention of the opinions they had hitherto publicly entertained and acted on, even declaring with great apparent frankness and magnanimity, that their seats in the Council would afford them a better opportunity of confidentially presenting and urging their views. With such a latitude professedly given them, it became their duty, in the opinion of your Committee, upon assuming their office, to advise his Excellency upon the affairs of the province, and, in their opinion, as to the constitutional manner in which it might be best administered, in the terms of their oath, "for the good of the King and this province, and for the peace, rest and tranquility of the same." Such is the substance of Mr. Baldwin's manly and honourable letter.

Animated with these loyal and patriotic feelings, and conversant with the condition and expectation of the country, it appears they joined in the representation, dated the 4th of March 1836 [hereto appended, marked (A.)], embodying their united views in a manner unreserved, candid and respectful.

To this representation Sir F. Head sent a reply, also hereto appended [marked (B.)], concluding with the following words: "The Lieutenant-Governor assures the Council, that his estimation of their talents and integrity, as well as his personal regard for them, remain unshaken, and that he is not insensible of the difficulties to which he will be exposed, should they deem it necessary to leave him. At the same time, should they be of opinion that the oath they have taken requires them to retire from his confidence, rather than from the *principles* they have avowed, he begs that, on his account, they will not for a moment hesitate to do so."

It appears to your Committee that, however sensible the Council might be to the honour of being confidential advisers of the King and his representative in this province, and however anxious to avert the embarrassments his Excellency justly apprehended, yet having entered His Majesty's service with known principles, and as a duty communicated them officially, they could not honourably retire from these principles, to which, as their representation testified, they properly attached so much importance and truth. Hence, upon this delicate subject Mr. Baldwin nobly observes [See his Letter in the Appendix, marked (C.)]:

"Having, in the representation alluded to, but reiterated in a more formal manner, in conjunction with my colleagues, under the sanction of the oath (which I had in the mean time taken), the same principles and opinions which his Excellency knew me to entertain previous to his honouring me with a seat in his Council, however desirous I might be of giving my best support to his Excellency's government, or of not hastily abandoning the important duties of my situation, which had been most unwillingly assumed, I could not for a moment hesitate when the alternative presented to me was the abandonment either of my principles or my place."

Your Committee cannot hesitate to remark, that this proposition of Sir Francis Head, in the secret Council Chamber, to retain them in his service if they would retire from their principles, was highly objectionable, derogatory to the honour of the King, and demoralizing to the community.

Among the criminating views urged by his Excellency against the late Council, since the date of the correspondence, will be found a complaint against their concluding prayer, as follows, "that should such a course not be deemed wise or admissible by the Lieutenant-Governor, the Council most respectfully pray that they may be allowed to disabuse the public from a misapprehension of the nature and extent of the duties confided to them."

This request might, in the opinion of your Committee, have been answered by a frank avowal of the alleged intention, "after a few moments more afforded for reflection," to consult them to such an extent as to render their prayer "practically useless;" but being in the strange misapprehension of his Excellency "sworn to be *dumb*," and therefore kept by him religiously mute, from giving him any advice, the late Council appear to your Committee to have had before them only two courses, viz., either to obtain a more cordial and constitutional intercourse with his Excellency, or discreditably to keep up the prevailing public deception respecting their duties. If the Council would have recanted, and kept the *great secret*; viz., that there were *no secrets*—they might, as the reply shows, have dishonourably retained his Excellency's confidence.

But for what honest purpose could it be desired not to undeceive the public, who had so long, under a misapprehension of the nature and duties of the Council, directed their reproach against them as the presumed concurrent advisers of misgovernment? If it is *wrong* that the Council should advise upon the "affairs of the province," is it *right* falsely to make the people ascribe to them such duties? Was it criminal, as is pretended, for them to ask leave to communicate to the public, not any particular matter, or their advice upon it, but merely to correct a public misapprehension of the nature and extent of the duties confided to them? Was it generous or just for his Excellency, under the pretence

of the oath they had taken, to compel the new Councillors to subject themselves unjustly to the same reproach as had been heaped upon the old ones, for supposed acts they had never done, and for supposed advice which had never been asked or given? Was it magnanimous or honourable for a Lieutenant-Governor, who professed to take upon himself all responsibility for all mismanagement of our affairs, to screen himself from censure, by allowing it to be unjustly imputed to a "dumb" "defenceless" Council? Would it not have been more manly to say, "*I am the only responsible person. You shall not be blamed for my acts; therefore disabuse the public, that they may never charge against you what is wholly chargeable against me?*" But, on the contrary, his Excellency condemns them, almost as violators of their oath, for desiring to undeceive the country, and for betraying so much sensitiveness about mere character and reputation, as to undervalue the honour of innocently braving all the odium of his Excellency's unadvised misdoings in his government. This is a species of political gallantry, from which the Council seem humbly to have wished to be relieved; a wish, however, which his Excellency indignantly resents.

Your Committee are unable to discover, in the conduct of the late Council, any grounds for the reiterated assertion of his Excellency, that they wished to deprive him of his responsibility and patronage.

The responsibility of the Governor should, in the opinion of your Committee, consist, in a great measure, of selecting good Councillors, and acting with their good and rejecting their bad advice. The advice of the Executive Council, given in the terms lately proposed by them, would inform the judgment, but not impair the responsibility of his Excellency.

A jury are not the less responsible for their verdict, because they hear evidence, the counsel and the judge. And to your Committee it seems puerile to urge, that should an Executive Council give advice to a Lieutenant-Governor, he should have no responsibility in acting on it.

The same may be said about the patronage.

This patronage chiefly consists of appointments to all public offices throughout the country; and as his Excellency professes himself to your Honourable House, to be a stranger lately arrived amongst us, unacquainted even with the political differences of the mother country, and, necessarily (as all his successors from England must be) wholly ignorant of this province, it seems rational and prudent, that before making any such appointment to office, he should receive the advice of the Council, in conjunction with whom he could make better inquiries and arrive at safer conclusions than by his own unaided judgment.

When, therefore, his Excellency contends that he will not take advice upon the affairs of the province, because it takes away his responsibility, and that he will not consult the Council about appointments to office, because it will take away his patronage, it practically amounts to a declaration that he will carry on an arbitrary government; not because it is the best calculated to advance the peace and prosperity of the country, but for the selfish purpose of displaying the extent of his power; for it is not pretended that the constitution prevents him from consulting with the Council on all matters, if he was only desirous of doing so.

But the Lieutenant-Governor deliberately declares himself to be responsible for his Council, as well as himself, to His Majesty's Government in England. This kind of responsibility (undeniably existing) we have witnessed in the examples of all preceding Governors; and experience, dearly bought, has proved that liability to a patron in Downing Street, 4,000 miles off, is unavailing for any practical purpose. And even assuming this responsibility to continue, it does not lessen the manifest expediency and wisdom of guarding against even unintentional errors in the conduct of our affairs, by the intervention of sworn advice from Councillors selected by the Lieutenant-Governor himself, for their talents and integrity.

The counsel given would produce here safe and happy government, and instead of destroying responsibility in England, would only lessen the necessity of a frequent appeal to the Throne, and to the British Parliament, for the redress of grievances, even of the most subordinate kind.

Your Committee cannot forbear to notice the Lieutenant-Governor's charge against four of the late Executive Councillors, whom he accuses with "having changed their opinions." Sir Francis Head is the last person who should have promulgated such a reflection against any of the late servants, particularly against those to whom he had introduced gentlemen avowing the opinions, which, it is insinuated, they imbibed. How could they suppose that his Excellency was angrily opposed to the principles he had infused into the Council? But it seems he formed the Council of persons who, he thought, entertained opposite and discordant sentiments; and because, instead of quarrelling and wrangling among themselves, they discovered in their proceedings a happy and useful concord in public business, he dismisses them for their unanimity, and then ungraciously charges one part with holding unconstitutional views, and the other part with being converts to them. And all these attacks are made upon them by his Excellency, who at the same time declares them to be defenceless, "because, being sworn to silence, they are deprived by this fact, as well as by the constitution, of all power to defend themselves." Nevertheless, to your Honourable House, and in answer to popular addresses, he is continually urging constructions and statements against the Council, which ought in fairness, and on every principle of honour, to be allowed to be answered or never to have been made.

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Your Committee feel surprised at the public answer of his Excellency to the address of the city corporation. Your Committee have procured a certified copy of this address and answer from his Excellency's private secretary, which they hereunto annex, marked D., in which he expresses "*astonishment*" that those principles "suddenly appear from a *quarter from which he certainly least expected it*," from the Executive Council itself." It is but just to the late Council to remark, that the announcement of such principles from a Council into which his Excellency had himself knowingly introduced them with Mr. Baldwin and his coadjutors, could not, in "*candour*," be a matter of "*astonishment*;" nor can your Committee consider it done "*suddenly*," after an amicable verbal discussion with him in Council ten days before, or that it could be "certainly least expected" from sworn advisers known to him to entertain these principles, and bound by his Excellency's invitation to the frank interchange of opinions, as well as by every obligation of honour and duty, to express them to him. It is therefore plain, that the principles are regarded with "*astonishment*" by his Excellency, when there was no reason to feel it; are denounced as obtruded by the late Council "*suddenly*," after they had been debated for *weeks*; are condemned as emanating from a "*quarter*" into which he had *himself* knowingly introduced them; and are said to have been "*least expected*" from men whom he had *himself* in Council sworn *fearlessly* to advise him according to their honest convictions.

The late Council are charged by his Excellency, in the last-mentioned document, with resting their claims in the appended representation, very nearly on the following grounds: "1st. That the responsibility they assume being a popular one, daily increasing, is consequently the law of the land." And, 2dly. That though the powers they require are nowhere expressed in the Constitutional Act, they were evidently intended to have been inserted."

Your Committee have compared the above professed epitome of the grounds taken by the late Council with the representation itself, from which it is avowedly deduced; and the grounds, thus charged by his Excellency against the Council as assumed by them, are so utterly and so obviously at variance with *candour* as to defy any courteous commentary without injustice to the constitutional question at issue.

In the answer of his Excellency, accompanying the documents between himself and the Council, he states, that "with every desire to consult my Council, I was preparing for their consideration important remedial measures, which I conceived it would be advisable to adopt, and had they but afforded me those few moments for reflection, which from my sudden arrival among you, I fancied I might fairly claim as my due, the question which so *unnecessarily* they have agitated, would have proved practically to be useless."

It is singular that this latent intention of his Excellency is not even hinted in his reply to the Council, but is reserved for disclosure as a means of criminating them after their resignation was effected by the alternative of "abandoning their principles or their place." Considering the relation which ought to exist between a Governor and the Executive Council of the province, it was not, in the opinion of your Committee, dealing ingenuously with them, to take most important steps without their advice or even knowledge; and it must have been a humiliating position for gentlemen, distinguished as his Excellency admits, for "their talents and integrity," to imagine that his Excellency was "preparing important remedial measures," not in dignified and constitutional co-operation with his highly gifted Council, but by the aid of unsworn and irresponsible persons unentitled to confidence. Such conduct did not redeem the pledge to the late Council, upon accepting office, of his "implicit confidence;" and when, after three weeks' merely nominal councillorship, they resign, it is alleged, "had they afforded him a *few moments* for reflection, the question which so unnecessarily they have agitated, would have proved practically to be useless." If such is the truth; if it was intended (after a *few moments* for reflection) to consult the late Council to such an extent as to render their representation "practically useless," why did his Excellency require them to "abandon their principles or their place?" Why did he, in his own language, "drag the question into day-light, in order that it might be openly, fairly and constitutionally discussed," when it was his avowed intention shortly to render the agitation of it "practically useless?" Under such a prospect it was inexcusable *misrule* to fill the country with consternation and dismay, upon a matter respecting which he had the *power*, and *professes* to have had the *intention*, to satisfy public expectation; and after importuning the Honourable J. H. Dunn, and R. Baldwin, Esq., under an overwhelming pressure of recent domestic affliction, and Doctor Rolph amidst professional avocations, in voluntary retirement from public life, to join the Council, in order to aid the King's Government, it was most *ungenerous* to almost expel them his Council, merely for offering a suggestion which, after a few moments more reflection, he intended so far to follow as to render their representation "practically useless."

It should be particularly observed that the representation of the late Council was signed by all the Councillors, was the deliberate, unanimous, conscientious opinion of gentlemen of different political parties, of those who had long been in office, and of those who had just been appointed; not as to a mere theoretical question, but as to a question practically affecting their own duties under the constitution of the country; was not a movement to serve any political party, but was calculated to meet the views and wishes of all parties, and that being in writing, his Excellency could take his own time to consider it. Finally, as this was a matter of no ordinary importance, and as the Councillors had delivered their views in writing signed by all (a proper and constitutional proceeding on such great questions in the judgment of the Committee, and certainly the most respectful to his Excellency) it would have

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been no great stretch of courtesy to the unanimous and confidential advice of his Councillors, if, in case he differed from them, he had referred it with his observations to His Majesty's Government, instead of indulging his arbitrary spirit, and requiring them to resign for the mere expression to him in confidence of their sentiments. It may be observed that, without being obliged to concede the principle maintained by him, or to compromise his character or his dignity, he might frankly have consulted them in the meantime of his own accord, on all important matters, and have obtained thereby advice and information which would have been highly useful to him, and which, in fact, he necessarily must seek somewhere. By this means he would have prevented the present excitement, and the discussion which has been forced upon the country of forms of government and fundamental principles of the constitution, a discussion which common prudence will admonish all settled governments to avoid. That he might have consulted them upon all the affairs of the province, even if he was not obliged to do it, there can be no doubt. Such a course, if not enjoined is evidently not forbidden by the constitution, or by the royal instructions, or by any law or authority whatever. It is not borrowed from a republican government or republican institutions, but is a British usage, and according to British principles. It seems, however, from his own declaration, that he was waiting for an opportunity to force this discussion upon the country; or, in his own language, "to drag this new theory into daylight, in order that it might be discussed." The Committee and the House are therefore "dragged" into the discussion of it, not by the Executive Council, not by any factious or party proceeding, but by his Excellency himself, who, it appears, notwithstanding his short arrival in the country, rather courted the discussion of it than otherwise; for it will be observed that he stated in answer to the corporation as follows:—

"Finding that this new theory was rapidly gaining ground, I resolved to offer it no secret opposition, nor in any way to exert my influence to oppose it; but I determined the very first time it should come well within my reach that I would drag it into daylight," &c.

The Committee cannot but remark, that hitherto the Executive Council have sustained the public censures for the misconduct of our affairs, upon which it has always been supposed they have given a concurrent advice, and upon that account past Lieutenant-Governors, as well as the British Government, have sustained their office in dignity, and been treated personally with respect. It is therefore with great concern we learn from various public documents emanating from his Excellency upon this subject, that he desires to relieve the Council from all participation of popular displeasure, inevitable in a country with liberal institutions, and to assume it himself. The representation of the late Council fully expresses the odium which its members had silently endured; and it appears to your Committee repugnant to the British constitution, and inconsistent with the necessary preservation of respect for the Kingly office, to bring his representative into personal collision with the people in every period of excitement, and render him the ostensible person for accusation and complaint. Should such a doctrine prevail, the royal station in the colony will be seriously impaired in its dignity, and be almost unavoidably introduced in parliamentary debate, and become the point upon which will be concentrated every manifestation of popular indignation. If all the odium which has been poured upon the old Executive Council had been charged, as his Excellency proposes, upon the Lieutenant-Governors, their residence would not be tolerable, and their very authority would become weakened or destroyed.

In the conclusions of the late Executive Councillors, the Committee fully concur, and cannot but express their surprise that his Excellency should not be convinced by the clear and unanswerable argument contained in their representation to him. His Excellency, however, in one of his appeals to popular feeling, broadly declares that the Act of 31 Geo. 3, chap. 31, creates no Executive Council, and says, "If any one tells you that it does, read the Act for yourselves."

In humble imitation of this great authority, we affirm confidently, that according to that statute there must be an Executive Council appointed by the King for the affairs of this province, and to any one who is led by the strong assertions of his Excellency to doubt it, we say "Read the Act for yourselves," especially such passages as this [section 34] "together with such Executive Council as shall be appointed by His Majesty for the affairs of such province;" and such passages as this, [section 29] "with the advice of such Executive Council as shall have been appointed by His Majesty, His heirs or successors, within such province for the affairs thereof;" and such passages as this, [section 7] "before such Executive Council as shall have been appointed by His Majesty, his Heirs or successors, within such province for the affairs thereof;" and such passages as this, "as such Governor, Lieutenant-Governor, or person administering the government, shall, with the advice of the said Executive Council, judge to be expedient under the then existing circumstances;" all of which passages are found in the Act. On this subject the Committee refer to the conclusive argument of the Executive Councillors in the communication which seems to have disturbed his Excellency so much amidst his alleged preparation of "important remedial measures," and conclude that, according to the Constitutional Act, there must be an Executive Council; that they are appointed by the King, and that they are appointed to advise upon the affairs of this province generally, and not merely upon particular affairs, or upon particular occasions, are propositions which are demonstrable from the express terms, as well as from the spirit and evident intention of that Act (as has been shown by the late Executive Councillors), and may, moreover, be inferred from the absence of every thing of a contrary import in the Statute.

In other Statutes besides that just referred to, both imperial statutes and provincial Statutes, the Executive Council is noticed, and their duties are alluded to in terms equally compre-

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hensive, [See the Provincial Statute, 34 Geo. 3, chap. 2, sec. 33, and the British Statutes, 6 Geo. 4, chap. 114, sec. 30, and the 7th and 8th Geo. 4, chap. 62, sec. 1.] From these Statutes it will be seen that an Executive Council is "the Council of the Province," "appointed for the affairs thereof," and not his Excellency's Council, or appointed for particular affairs or any particular purpose. They are not, as he says they are, appointed to serve *him*, they are the Council of the province, "appointed for the affairs of the province." The distinction of his Excellency between the Council serving him, and not the people, is calculated to awaken much concern, and seriously impair that identity of interest and purpose which (under the presumption of our enjoying the British Constitution) we always supposed to exist between The King and the People. Indeed it has been a universal belief, founded, as your Committee believe, in unerring principles, that both the Privy Council at home and the Executive Council in this province are the servants of, or instruments for, the dispensing of good government. Any attempt to put up any conflicting interests between The King and the People, by creating a belief, that in serving the Crown, they do not serve the country, is erroneous in theory and mischievous in practice.

His Excellency repeatedly asserts, that no Executive Council was created by the British Act 31 Geo. 3, c. 31, and says, "as regards even its existence, the most liberal construction which can possibly be put upon the said Act, only amounts to this: that as an Executive Council was evidently intended to exist, the remnant of the old one ought not to be deemed totally extinct until its successor was appointed."

In opposition to this sweeping and positive declaration, the Committee must remark, that there was no such thing as "an old Council" of this province; and though there had been a Council created for the affairs of the old Province of Quebec by the British Act, 14 Geo. 3, c. 83, this Council was called a *Legislative Council*, and not an *Executive Council*; and your Committee also deem it worthy of remark, that this Council is spoken of in the same terms in the said 14 Geo. 3, as is the Executive Council of this province in the 31st of the King, viz., "a Council for the Affairs of the Province of Quebec;" and, moreover, the very first clause of 31 Geo. 3, c. 31, repealed so much of the previous Act as in any manner related to the appointment of that *Legislative Council*, or to the power given to them; not "a remnant" of that old Council, therefore, existed; every vestige of it was annihilated, and your Committee are quite perplexed to understand how the Legislative Council of Quebec, after its absolute and unconditional repeal, could survive, in even a remnant (as his Excellency says) till its successor was appointed. If this is good reasoning on the part of his Excellency, the Legislative Council of Quebec, had no successor been appointed, would be now in operation; and, by similar logic, by rescinding the instructions, his Excellency might undertake to revive it. But the last clause of 31 Geo. 3, c. 31, affords a conclusive answer to all his Excellency's assertions, that an Executive Council was not created by that Act; for it provides, that during the interval between the commencement of that Statute in the province, and the first meeting of the Provincial Legislature, the Lieutenant-Governor, "with the consent of the major part of such Executive Council as shall be appointed for the affairs of the province," may make laws for the government thereof in the same manner as the old Legislative Council for the Affairs of the Province of Quebec, could have made ordinances and laws for that province. The Council thus authorized to assist in making laws, were an *Executive Council* not then appointed, but which were to be appointed, and were to be appointed *before the first meeting of the Provincial Parliament*; and were to be appointed, not for that particular purpose only, but "for the affairs of the province" generally. And yet, according to his Excellency's opinion, this Statute did not establish an Executive Council at all; while, in his reply to the late Council, he says, "to enable the Lieutenant-Governor to perform the arduous duties of his office, the constitution has wisely provided him with an Executive Council, competent to supply him with that local knowledge in which he may be deficient, and to whom he may apply for council and advice."

The Committee, without hesitation, affirm, that this Act as much creates or requires the appointment of an Executive Council for the affairs of the province, as it creates or requires the appointment of a Governor, Lieutenant-Governor or person to administer the government of this province. His Excellency, when he is promulgating and defending the novel doctrine, that he is sole minister as well as representative of The King in this province, would do well to consider upon what law his own authority rests before he makes these rash assertions. The official character and authority of a Lieutenant-Governor are no more necessary under the Constitutional Act, or created by it, than is an Executive Council for the affairs of the province; and if the representative of the King can thus attempt, by such bold assertions upon such slight grounds, to explain away an important part of that law, which is the "great charter of our liberties," (from which his Excellency himself, in one of his appeals to the people, tells them, "they should never allow a single letter to be substracted," (your Committee append the Address and answer which they have received, duly certified by his private secretary, marked E.), your Committee can only hope that his example will have as little weight as his arguments.

It was in a very different spirit and with very different views from Sir Francis Bond Head, that Lieutenant-Governor Simcoe regarded this great charter of our liberties: that great and good man, whose memory is embalmed in the affections and gratitude of the people of this province, was a member of the British Parliament when our Constitutional Act was passed; and having served with distinguished honour in the colonies during the war, which had not long before terminated, and having been acquainted with those brave and loyal people who were about to seek in this province an asylum under British laws and

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British institutions, he was, no doubt, freely consulted about the form of government to be given to them.

The following extract from Lord Rawdon's observations in the House of Lords, in the discussion on the passage of the 31st of the King, will give an idea of the estimation in which Governor Simcoe was held.

His Lordship said, "that the gentleman whom he had heard was to be honoured with the appointment of Governor, was one of all others the fittest and most to be wished for by the country; his intelligent mind, his generous and liberal manners, his active spirit, and peculiar abilities for that situation, rendered him, in an eminent degree, the properest person that Ministers could have selected for that appointment; and certain he was, that the choice would redound to their honour and credit.

"If Canada was to be governed under the present Bill, it would be well for this country and well for Canada, that Colonel Simcoe was the Governor."

When the British Nation conceded to the United States the right of forming a free government for themselves, after their own choice, it is scarcely credible that they intended to confer a constitution less acceptable upon the loyalists, who had fought, bled and sacrificed their property and homes in defence of the unity of the Empire; and it does seem humiliating to your Committee, after the lapse of half a century, to find a new Lieutenant-Governor drawing so unfavourable a contrast between our local institutions and those from which they were borrowed, as to subject us to his arbitrary government, by superseding the functions of that important branch of the Constitution, called the Executive Council.

The Government of this province was, in fact, the subject of one of the most interesting and memorable debates ever witnessed in the British Parliament; and while Mr. Fox urged the extension of the elective principle in the new constitution farther than it existed in the British Constitution, no one proposed that the form of government should be less popular or less free. Governor Simcoe heard the debates on the subject, and, in fact, took part in them; he was the bearer of the Act to this country; was the first Lieutenant-Governor of the province; and was well qualified, and appears to have been authorized by His Majesty's Government to explain to the people the new constitution which was established for their benefit. This enlightend British statesman and legislator, who certainly knew what the principles of the British Constitution were, on the very opening of the first Session of the first Provincial Parliament, addressed the Legislature from the Throne, and in The King's name, in the following terms:—

"I have summoned you together under the authority of an Act of the Parliament of Great Britain, passed last year, *which has established the British Constitution, and all the forms which secure and maintain it in this distant country.*"

"The wisdom and beneficence of our most gracious Sovereign and the British Parliament have been eminently proved, not only in imparting to us the *same form of government*, but also in securing the benefit, by the many provisions that guard this memorable act; so that the blessings of our invaluable constitution, thus protected and amplified, we may hope will be extended to the remotest posterity.

"The great and momentous trusts and duties which have been committed to the representatives of this province, in a degree infinitely beyond whatever till this period have distinguished any other colony, have originated from the British Nation upon a just consideration of the energy and hazard with which its inhabitants have so conspicuously supported and defended the *British Constitution.*"

Still more striking was the following language used by him, as the King's representative, from the throne, in the speech with which he closed that Session:

"At this juncture I particularly recommend to you to explain, *that this province is singularly blest, not with a mutilated constitution, but with a constitution which has stood the test of experience, and is the very image and transcript of that of Great Britain.*"

Such were the emphatic words of this great and good man. Were they, after all, a mere delusion? an empty-sounding unmeaning, mockery? So they are now regarded by his Excellency, who, in an answer to an Address from the inhabitants of the city of Toronto, declares that it would be *unreasonable* to expect that the people of this province should be *ruined* in vainly attempting to be the "exact image and transcript of the British Constitution," and that "the constitution which his Britannic Majesty George the Third granted to this province, ordained no such *absurdities.*" That this is strong language the Committee admit; but it is language they have read with pain. The "absurdities" in which his Excellency's doctrines have involved him, must be apparent to every one, from this "vain attempt" to depreciate the authority and tarnish the memory of Simcoe, the first and ablest of our Governors, by holding him out, either as being unable, from want of knowledge or discernment, to judge whether our constitution was "an exact image and transcript of that of Great Britain," or as being an artful and unprincipled deceiver, attempting in the name of the King to palm off on a *confiding* and *deserving* people a "*mutilated constitution,*" by a mere high sounding flourish of swords. In despite, however, of his Excellency's sneers, this testimony of Governor Simcoe stands recorded on the journals of your Honourable House, a solemn assurance in the name of the King, that his subjects in this province shall have all the blessings of the *British Constitution*, secured and "*amplified*" to them and their children; a pledge that we trust will yet be made good to them, to the disappointment of any Lieutenant-Governor who may *deride* their expectations, and oppose their wishes and constitutional rights.

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Sentiments similar to those of Governor Simcoe have been expressed by succeeding Lieutenant-Governors, and by persons of all classes and creeds who have ever treated on the subject, although some have demurred, that while we were entitled by the 31st of the King to all the blessings of the British Constitution, that while it was held out to us in theory and by profession, it was denied (in some respects) in practice, yet all have agreed that it was guaranteed to us by the Constitution; and those who have heretofore complained of the want of it in practice, have been charged with disaffection, and denounced as demagogues, grievance-mongers and disturbers of the public peace by Lieutenant-Governors and their adherents. The records and public documents of the province are filled with expressions (sometimes explicitly and at other times incidentally mentioned) calculated to impress the belief that we were entitled to the full enjoyment of all the blessings flowing from the Constitution of Great Britain; and what is peculiarly striking is, that amidst all this multitude of witnesses in favour of our right to the British Constitution, with all its blessings and benefits, that not even a hint to the contrary was ever heard from any of them; and it has been reserved for Sir Francis Bond Head, in 1836, to discover that our constitution is different from the British Constitution, and that it would be *foolish and ruinous* for us to introduce the British Constitution if we could, and that any attempts to do it would be *vain*. Whatever evils we suffer under our present nondescript constitution, which even Sir Francis admits are so great and oppressive as to require "*important remedial measures*" without "*delay*," which "*our Sovereign has ordained*," and "*which he is here to execute*," we should console ourselves, according to his opinion, with one animating and delightful reflection, namely, we are not, and cannot be *curserd* with the *British Constitution*. According to his doctrine, the Constitutional Act *ordained* no such *absurdities*, and the Royal Instructions were equally *gracious* and careful to protect us from that terrible evil and calamity, the British Constitution.

It has been observed by his Excellency in one of his public expositions, that Simcoe "could not alter the charter committed to his charge," or render it, what his Excellency asserts it is not, the very "image and transcript of the British Constitution."

Your Committee in imitation will say, Neither can Sir Francis Head, by his detractive assertions, impose upon us a "mutilated constitution," nor has he the right to impose upon Upper Canada the arbitrary government of Russia or Constantinople, in place of the genuine transcript of which Simcoe was the bearer. But although Simcoe could not alter the law, and was too great and good a man to do it, yet he never had a successor who had equal pretensions to expound the meaning, elucidate the provisions, and explain the scope of the new constitution. He who fought with U. E. loyalists in the American war and knew the worth and claims of the men for whom the constitution was generously designed; he who sat and spoke in the senate in which the law was passed, who was moreover entrusted with the duty of putting it into operation, and who, from the throne, solemnly declared the magnanimous gift of the British Constitution to those who had been driven by their loyalty to seek an asylum under it, was surely better and more competent authority respecting that law and constitution, than a gentleman nearly half a century afterwards, who cannot see that the law creates an Executive Council, but can see the vestige of a Legislative Council surviving its absolute repeal, until a successor was appointed; and that "in government, *impartiality* is better than *knowledge*." The Instructions, indeed, are in his eyes an *important document*; for, according to his Excellency's views, the Executive Council was regularly constituted and declared in "*the King's Instructions*," and of course could not have existed before it was so constituted. A quotation is made by his Excellency from these Instructions from which he argues, that the Council are only to be consulted occasionally. A copy of these Instructions has been furnished to your Honourable House by the Lieutenant-Governor; your Committee found with surprise not only that his Excellency had given a *garbled* extract in his quotation, but also that these Instructions "*in which an Executive Council was constituted and declared*," according to his Excellency's opinion, were actually dated in 1818! The Executive Council of this province was, therefore, in his Excellency's opinion, regularly constituted and declared in 1818!

Upon reference to the whole of these Instructions, however, it will be found they are not less liberal and comprehensive than the Constitutional Act, had they been *honourably* interpreted and acted upon. Your Committee deem it important that the Instructions which have been so long kept in secret should be made public, especially as they seem to be viewed by his Excellency to be of as much, if not of more, importance than the Constitutional Act, and therefore beg to append them to this Report, marked F.

By section 8, as quoted by his Excellency, it was declared, "that *to the end* that our said Executive Council may be assisting to you in *all affairs* relating to our service, you are to communicate to them such and so many of our Instructions, wherein their advice is mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for our service to be imparted to them."

Upon an examination of the Instructions themselves, it appears that this is a *garbled* extract; for in the instructions the words are, "You are to communicate such and so many of *these* our Instructions," &c. Your Committee cannot but notice that the omission was calculated to favour the inference which his Excellency was wishing to draw. From this extract it appears that the Executive Council was to be *assisting* to the Lieutenant-Governor "*in all affairs* relating to the King's service," an expression which his Excellency, in doctrine and practice, has construed to mean "*a few affairs* relating to the King's service."

As the Council were to be assisting "*in all affairs*," the communication to them of the Instructions, or any part of them, could not be intended to limit a duty, already so largely
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and expressly prescribed, especially as the communication was to be made, "*to the end, that they may be assisting in all affairs,*" but was merely to give the Council such and so many of the King's Instructions as were necessary to enable them effectually to advise upon those affairs respecting which the King had in His Instructions imparted His precise pleasure; for without such a communication of the Instructions, the Council might, from ignorance of them, adopt a course unintentionally opposite to them. It appears, therefore, to your Committee, that even according to the Instructions so *illiberally* and *unfairly* construed by his Excellency against our just rights, the Executive Council were generously intended by His Majesty's Government to advise upon "*all affairs,*" and that the instructions were communicated merely to enable them to do it.

The oath taken by the Executive Councillors (of which a copy, hereunto annexed, duly certified in the Appendix, marked G.) is equally comprehensive. It is the same as the Privy Councillor's oath. Your Committee would ask, does not the Privy Councillor's oath prescribe his duties?—Are there any important duties incumbent on him which he is not sworn to fulfil? The oath being the same, the Executive Councillors are therefore bound by their oath to perform the same duties that the Privy Councillors (including His Majesty's Cabinet Councillors) are bound by their oath to discharge. His Excellency, nevertheless, in one of the communications which he has made to the people of Toronto, and which was plainly intended for *popular effect*, says, that it is, in his judgment, "*an oath of non-responsibility to the people*"; so that, according to his Excellency's views, *His Majesty's Cabinet Councillors are sworn not to be responsible to the people!* It may be worth while to notice for a moment the resemblance between the Executive Council and His Majesty's Privy Council: both are appointed by the King, and both are removable at pleasure. The members of both are indefinite; the King may increase or diminish them at His pleasure. Privy Councillors are appointed without any commission, merely by nomination and taking the oath of office; so are Executive Councillors. In some cases the King is required by express enactment to do certain acts "*with the advice of the Privy Council,*" that is, not contrary to their advice; in like manner the Lieutenant-Governor is expressly required in some cases to act only "*with the advice and consent of the Executive Council.*" The Privy Council is appointed for the affairs of the Kingdom; the Executive Council is appointed for the affairs of the Province. The oath of office of the Executive Councillors is copied from that of the Privy Councillors; so that the former are sworn to perform the same duties as the latter.

Finally, the King is no more bound by any express law to consult the Privy Council on all affairs of his Government, than the Lieutenant-Governor is bound by express law to consult the Executive Council on all affairs of his government: neither is the King any more forbidden to act without advice or upon the suggestions of secret and irresponsible advisers in the government of his kingdom, than the Lieutenant-Governor is forbidden to govern the province upon like advice. And his constitutional advisers, the members of the Privy Council, are no more responsible for the advice they give to him, than the members of the Executive Council are responsible for the advice given by them to the Lieutenant-Governor.

Where, then, is the difference between the Privy Council in the United Kingdom and the Executive Council here? Is not the advice of such a council as necessary for the Lieutenant-Governor as it would be for the King, if he were here? Is the *representative* of sovereignty so much *wiser* and *better* than the Sovereign *himself*; so much more thoroughly acquainted with the affairs of the country in which he is a stranger to its history, and to the habits and opinions, interests and sentiments of the people, than the King is acquainted with the people among whom he was born and educated? Has the Lieutenant-Governor, who expects after a few years to leave us, and whose future prospects and hopes, as well as past associations, give him a personal interest in a distant land, so much more at stake in the welfare of this country, than His Majesty has in the prosperity and happiness and affection of His people, and in the honour and dignity of His Crown? In short, do history and experience teach us that a Lieutenant-Governor, at a distance of more than 4,000 miles from his superiors, is so much more immaculate and infallible than his Royal Master; that he does not require the same councils which the constitution considers, and which an experiment of ages proves to be necessary for the King himself?

Even his Excellency admits that His Majesty should, according to the constitution, be surrounded by advisers responsible to the country, and that the King must consult them in *all* the affairs of the Kingdom.

There is not an argument in support of the necessity of such a system that is not equally, if not more, applicable to this colony, where the relative weight and influence of the popular branch upon the government is so small compared with those of the similar body in the parent country.

That the affairs of the Kingdom should be conducted by the King, with the advice of known and responsible Councillors, is not a rule or proposition laid down in any statute, but is a principle that is an essential part of our constitution, and if that part is destroyed, the constitution is materially changed; it is no longer the British Constitution. This principle therefore has been established by the necessity of the cases; and the same necessity upon which it rests in the mother country exists here.

Your Committee will admit that this principle (in practice) has been hitherto disregarded in the government of this province, and what sort of government have we had? In what condition has it put us? Let the records of your Honourable House, the statements of Executive Councillors of different political opinions, the King's Instructions to Sir Francis

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Bond Head, and his own admissions answer. It has brought us (according to the Instructions) to "an era" of "great difficulty and importance;" and we find even Sir Francis Bond Head addressing the people in the following terms: "The *grievances* of this province *must be corrected—impartial justice must be administered*: the *people* have asked for it—their *Sovereign* has *ordained* it; I am here to execute his *gracious commands*—delay will only increase *impatience*. Those, however, who have long lived upon agitation, already too clearly see their danger; and with surprising alacrity, they are now taking every possible measure to prevent me from rooting up the tree of abuse, because they have built and feathered their nests in its branches."

Without remarking upon his Excellency's style, the Committee would observe, that in the estimation of the Lieutenant-Governor himself, the abuses of the government have become so extensive and deeply rooted, that agitators can actually live upon the exposure of them; although, how he would have been prevented from rooting up this tree of abuse, by receiving the advice and assistance of the council, the Committee are at a loss to perceive.

It is to perpetuate and defend the system that has produced such effects, that his Excellency exerts all the energies of his mind, and all the power and influence of his high office and exalted station. It is to this system that his Excellency has avowed such an ardent and unalterable attachment.

That a Lieutenant-Governor should secretly countenance and cherish a system which leaves him entirely unchecked in the exercise of almost unlimited power, for which he is virtually irresponsible, is not surprising; and more than one Lieutenant-Governor, no doubt, while professing to maintain amongst us the principles of the British Constitution, has secretly adopted this unconstitutional system, because it extended his power, and enabled him to indulge his arbitrary will; but that his Excellency, at the very moment he admits and expatiates upon the abuses and grievances which it has produced, should announce his determination to continue it, and should gravely declare that the people of this province would be *ruined*, if they attempted to secure to themselves "*the very image and transcript of the British Constitution*," and that such a Constitution "would be productive of the most vicious effects," is indeed astonishing.

The views of your honourable House on the right and necessity of a responsible government, and of our provincial administration being conducted on the principles of the British Constitution, have been more than once clearly and fully expressed, sometimes to His Majesty, and sometimes to the Lieutenant-Governor; sometimes directly, and at others indirectly, as reference to your Journals will amply show; but in the Address to His Majesty, during the last Session [which address is hereto appended, marked (H.)], this principle was again urged; and further, a distinct, but respectful intimation was also made, that the House would enforce their rights, by the constitutional method of withholding the supplies for the support of the government.

The following Extracts from the Evidence of James Stuart, esq., late Attorney General of Lower Canada, before a Committee of the House of Commons, 21st June 1834, afford the opinion of an able lawyer, thoroughly conversant with colonial government:—

Question 1152. The Executive Council of late have practically had very little to do with the government of the colony?—*Answer*. It ought to have a great deal more to do with it. The insignificance to which it has been reduced, I conceive to have been the cause of much mischief in the colony.

Q. 1153. You consider it of utility to have a permanent administration?—*A*. I consider it should be placed on the footing of the Privy Council in this country, and consulted by the Governor on all important occasions.

To the following question, put by the same Committee in England to Sir James Kempt, he gave the following answer:—

Q. 134. If there was no Executive Council, and the Governor were left to govern without any such Council, would it, in your opinion, remove very much of the state of irritable feeling existing between this part of the Legislature and the King's Government in the colony?—*A*. I have not given my attention sufficiently to this question to be able to answer it; but my impression is, that an Executive Council is necessary for the good government of a colony.

The Right honourable E. G. Stanley, a Member of the Imperial Parliament, and lately His Majesty's Principal Secretary of State for the Colonies, who also spent some time in this province, thus expresses himself respecting the Executive Council, in a letter addressed to Dr. W. W. Baldwin—[The autograph letter is among the records of your honourable House]—"I do, however, think that something might be done with great advantage, to give a *really responsible character* to the *Executive Council*, which at present is a perfectly anomalous body, hardly recognised by the Constitution, and effective chiefly as a source of patronage."

Mr. Stanley also says,—

"The remedy is not one of *enactment*, but of *practice*, and the constitutional mode is open to the people of addressing for the removal of the advisers of the Governor, and refusing supplies, if necessary, to enforce their wishes."

It will be observed that Mr. Stanley says, "the *remedy* is not one of enactment, but of practice;" that is, the Constitutional Act is sufficient in enactments for every thing required;

required; all that is necessary is, that the provisions of the Constitution should be honestly put in practice.

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While his Excellency declares that the Executive Council have no responsibilities, and are not recognised by the 31st Geo. 3, c. 31, Sir John Colborne, in a message to your honourable House, on the 20th February 1835, in terms almost directly contradicting the puerile views of his successor, states, "That the *responsibilities* under which the Executive Council discharge their important and confidential duty, depend upon the *principles of our Constitution, and upon the law of the land.*"

The public documents and records of the province abound with expressions proceeding from Lieutenant-Governor Sir Peregrine Maitland, recognising in the fullest manner the possession, by the people in this province, of the *British Constitution*.

Your Committee beg to give the following as a specimen, in answer to John Hurston and others, in the Newcastle district, published in the Official Gazette of March 2d, 1826:—"That I may rely on your steady and cordial support in maintaining that *unrivalled constitution*, of which the excellence has been proved by the *experience of ages*, and which those who can best appreciate it, as you do, will ever be found ready to vindicate and defend."

Again, in another reply of the same date,—

"You set, gentlemen, a just value on your *possession of a constitution, the most perfect in the world*; and it is no small satisfaction to me to reflect, that with the vivid recollection which you retain of *its blessings*, in the happy country you have left, your firm and loyal support will never be wanting," &c.

Your Committee would affirm, that the *principles* of our constitution, as well as the law of the land, alike require their advice to be given "upon the affairs of the province."

Your Committee have appended to their Report [see Appendix, marked (I.)], the Address passed in the last Session of the late Parliament (with the yeas and nays), to His Majesty, against the interminable interference from Downing-street in the management of our local affairs, which should be conducted by the Lieutenant-Governor and the Executive Council, in harmony with the Provincial Legislature. Although the late Parliament differed from the present in its views and policy, yet it was unanimous in the adoption of the above remonstrance. These views are corroborated by J. Stephen, esq., late Counsel to the Colonial department, and now, it is said, Under Secretary of State for the same. In his examination by the Canada Company of 1828, he was asked, "Is it your opinion, that upon all those questions, complicated as they are with regard to the tenure and transmission of property, the Colonial Legislature, with the advantages of their local knowledge, are much more competent to decide than the British Legislature?"

To which he answered:—

"I cannot suppose any man at all conversant with the subject hesitating respecting the answer to that question; except there be a well-founded distrust of the disposition of the Colonial Legislature to do right, no plausible reason can, I think, be suggested for taking this work out of their hands. They are incomparably better qualified for it than you can be. What should we think of the Canadian Assembly passing Acts for the improvement of the law of real property and conveyancing in this country! Yet, I suppose, they understand our system of tenures at least as well as we do theirs."

Now it must be presumed that Mr. Stephen, whose views against the unconstitutional interference of the British Parliament with the appropriate duties of our local Legislature, are so liberal and enlightened, would be equally opposed to any usurpation of the duties of the Executive Council; for assuredly resident gentlemen, selected by his Excellency at pleasure for their talents, integrity and public estimation, are "incomparably better qualified for it" than distant strangers, with even the best intentions. It is enough for them in Downing-street to attend to the matters reserved in the 31st Geo. 3, respecting Navigation and Commerce.

These views of the sufficiency of our own institutions, and the expediency of making them subservient, as they were intended, to the purposes of our local concerns (with the sole exception of those special matters, expressly reserved, by the 31st Geo. 3, for the paramount authority of the parent State), are confirmed by the evidence of the Right hon. Edward Ellice, a Member of the British House of Commons. In giving evidence before the Committee of 1828, he was asked, "You have said that your application was referred to the consideration of the Executive Council; of whom does the Executive Council consist?" to which question he answered, "The Council consist of the Chief Justice and other persons, *whose duty it is to advise the Governor with respect to the administration of the country.*"

The same distinguished person, alluding to some difficulties he had experienced in obtaining some change of tenure in property he holds in Canada, says, "It arose probably from a very general cause of difficulty in that country—a dread on the part of the local authorities to act upon their own responsibility, complaining of defective instructions from home; and this, aggravated by perpetual reference backwards and forwards from the Government to the Colonial Secretary, in the hope that they might at last agree upon the means of executing the provisions of the law."

This transatlantic system, popularly called *Downing-street law*, to distinguish it from the free and constitutional operation of our local Government, is further condemned by the same statesman in the following illustrations collected from his evidence before the same Committee.

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Alluding to ~~the~~ *disposition* in Canada, by the British Government, of customs duties, he says, "I am aware that the greatest possible objections exist in principle to their doing so; but I am also aware that, in point of fact, they have got over those objections, and by the Canada Trade Act have imposed duties to an extent quite equal to the expense of the civil government of both provinces, without consulting either of the Provincial Legislatures."

"The Canada Trade Act, for this purpose, had been passed three years before the arrangement with the Canada Company."

Again—"Certainly the Canadians complain with apparent reason of some part of the conduct of Government. An English receiver is appointed, insufficient securities being taken in England: the Assembly suggest the regulation of his office, and subsequently, I understand, Bills were sent up in the terms of a Bill passed in other colonies for this purpose: they are told this is an encroachment on the prerogative of the Crown, and their Bills are rejected. The receiver had previously failed in debt to the public about 100,000*l.*; and when they say, 'As you made the appointment yourselves,' took your securities in England, and rejected our advice, it is fair you should pay the defalcation, Government insist upon their laying fresh taxes on their constituents for it. In the same manner they allege they have sent up Bills for the regulation of the office of sheriff; that these also were rejected, and two following sheriffs have failed; the one a defaulter of suitors' money to the extent of 17,000*l.*, and another for a less amount. These are not theoretical, they are practical evils, and form just grounds of complaint."

Again—"The Governor was instructed to supply the want of an Appropriation Bill by his own warrants on the receivers, to whom the taxes are paid under the provisions of the Canada Trade Act; but it would be difficult to find out by what law such instructions are sanctioned. This has been the course of proceeding from 1822 to 1828, and it is much to be deplored that Government should have persevered so long in measures which, however much they may plead the excuse of pressing emergency in the first instance, were illegal and offensive to the rights and feelings of the people. If no remedy was obtainable in Canada, an appeal should have been sooner made to Parliament, and that sore should not have been allowed to fester till the English and the French population have been almost brought into collision, and a wider separation between them in opinion and all matters of internal government and legislation been rather encouraged than checked. Assembly after Assembly have been called together, in which the local authorities have wisely persevered in attempts to carry their measures by a minority at no time exceeding 10, and seldom half that number, in a body of 50 representatives. And the Committee must always recollect the continuance of these dissensions has inflamed trivial differences on immaterial points at first into serious additional causes of difference and misunderstanding, which it is not easy now to foresee the means of allaying or removing."

Again—"I wish to add, that in any thing that may have fallen from me in the course of these examinations, I have not had the least intention of imputing blame to any persons connected with the Executive Government in either province. I believe they have acted under instructions from this country, and that the difficulties they have had to contend with, and the discussions in which they have been involved with the Colonial Legislatures, were the inevitable consequences of a determination to persevere in the system of government I have described to the Committee, and which could scarcely have been avoided while that system remained unreformed and unimproved." And to the following question, "Do you conceive it would be possible to form a representation upon the principle of admitting some of the great towns as independent bodies into a confederation, such as exists in the north of Germany?" To which he answered, "I am afraid it is too late to attempt the introduction of new principles of that kind in America. You must either improve the *system* that exists on the model of our *institutions* at home, or copy from the simple forms in practice in the United States. No other method will be congenial to the habits of the English or American *inhabitants of Canada*."

The political condition of Lower Canada, as above depicted by the Right hon. Edward Ellice, is too applicable to our own country. "It is with grief," as a Resolution of your honourable House has expressed it, "the country has seen the improvident contract under which the Huron tract of a million of acres of choice lands has been assumed to be given, at an almost nominal value, to a Company in London; while the annual instalment paid by them is expended by the Provincial Executive without the consent of Parliament, and the large amount realized by the Company from sales at a very advanced price, are withdrawn from the colony, and transmitted to England. This improvident transaction, unsanctioned by any domestic enactment, ought to be held invalid, particularly as it was a transaction based in no degree upon the good of the Colony, whose lands are thus wastefully assigned. The Charter and all the Statutes connected with it are a violation of the 18th Geo. 3, and our Constitutional Act."

The law passed by the British Government for the sale of our clergy reserves, is a further illustration of the system of government over us by a Lieutenant Governor, in unchecked connexion with Downing-street. Under this law, enacted by the British Parliament without our knowledge or consent, more than 60,000*l.* have been raised by the sale of clergy reserves, abstracted from the country, and paid into the military chest, instead of being applied to the purposes of education and internal improvement. In a subsequent part of this Report, this subject will be again adverted to; but at present your Committee simply mention the fact, and also that within a short period 57 rectories have been erected and endowed. The British Act, it is presumed, inserted the condition "by and with the advice
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and consent of the Executive Council" as a security to the country against any abuse of the power it gave; but such a precaution is of no practical avail with an insufficient Executive Council; and it is plain that the above-mentioned outrage upon the whole community could not have occurred had we enjoyed what is sought for and denied, a well-constituted Executive Council possessing the confidence of the country.

Now it has been simply proposed, adopting Mr. Ellice's views, to improve our system here, on the model of the institutions in England, by proposing that the Executive Council shall advise the Lieutenant-Governor on our affairs as freely as His Majesty's Council advises the King; but the industrious classes are told by his Excellency that "the wish, if gratified, would be ruinous," and that the 31st Geo. 3. "has ordained no such absurdities."

In giving an aggregate account of the opinion entertained upon the constitutional duties of the Executive Council, by the most thinking men of all political parties, your Committee, although desirous of abridging their Report as much as possible, will not omit to notice a document from Lower Canada, which is headed a "Declaration of the causes which led to the formation of the Constitutional Association of Quebec, and of the objects for which it has been formed," in which we meet with the following pertinent remarks:

"In every well-regulated government it is essential that the executive authority should be aided by the advice of able and well-informed individuals, acting together and in a body, by which sound discretion, uniformity, consistency and system are imparted to its measures. Among Colonial Governments, which are generally administered by persons labouring under the disadvantages of a deficiency of local information, assistance of this nature is indispensable for the attainment of the ends of good government. This body of advisers ought to be found in the Executive Council of the province; but its members are too few in number, and its composition too defective to answer the purposes of its institution." Under the foregoing view, it will be observed that the association contemplate, by constitutional means "to obtain such a composition of the Executive Council as may impart to it the efficiency and weight which it ought to possess."

The above Quebec "Association" is not composed of the Reformers in Lower Canada, with whom Mr. Speaker Papineau's name is usually connected (although the Reformers there entertain the same views), but of gentlemen of wealth and influence, known by the name of Constitutionalists or Conservators, directly opposed to that party. It is therefore the testimony of persons avowedly determined to sustain the constitution against any of the modifications held by the other party to be necessary and expedient.

Your Committee would here subjoin the following all-important and liberal views of policy, expressed by the Canada Committee of the House of Commons, in the year 1828, arising from a thorough understanding of the state and wants of these Colonies, set forth in the voluminous and unquestionable testimony of persons best conversant with the subjects of the Committee's inquiry:

"Your Committee lament that the late period of the session in which they were appointed, has rendered a minute investigation into all parts of the subject submitted to their inquiry impossible. They believe too that if the legislative assemblies and the Executive Government of Canada be put on a right footing, that means will be found within the province of remedying all minor grievances. They are disposed, nevertheless, to recommend that the prayer of the Lower Canadians for permission to appoint an agent in the same manner as agents are appointed by other colonies which possess local legislatures, should be granted, and that a similar privilege should be extended to Upper Canada, if that colony should desire it.

"At an early period of their investigation, your Committee perceived that their attention must be directed to two distinct branches of inquiry: First, to what degree the embarrassments and discontents which have long prevailed in the Canadas, have arisen from defects in the system of laws and the constitutions established in these colonies. Second, how far those evils were to be attributed to the manner in which the existing system has been administered."

"Your Committee have clearly expressed their opinion that serious defects were to be found in that system, and have ventured to suggest several alterations that have appeared to them to be necessary or convenient. They also fully admit that from these, as well as from other circumstances, the task of government in these colonies (and especially in the Lower Province) has not been an easy one; but they feel it their duty to express their opinion that it is to the second of the causes alluded to that these embarrassments and discontents are in a great measure to be traced. They are most anxious to record their complete conviction that neither the suggestions they have presumed to make, nor any other improvements in the laws and constitutions of the Canadas, will be attended with the desired effect, unless an impartial, conciliatory and constitutional system of government be observed in these loyal and important colonies."

The remedy here proposed as an antidote to the evils existing in the government of the Canadas, emanates from a spirit breathing forth the purest patriotism, the result of a thorough understanding of all the bearings of the subject-matter of inquiry, and is at once an appeal to the best feelings of our nature.

Had there existed any defects in the system of our laws and constitution, the Committee would at once have recommended an amendment or revision of them; but aware that nothing was wanting but an open, ingenuous and equitable administration of those statutes,

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statutes, they are brought to the only plain and obvious conclusion that could be attained.

All colonial ministers, since the date of that Report, have professed an intention to be guided by its recommendations; the famous Despatch of Lord Goderich, of 8th November 1832, is professedly based upon it, and *his present Excellency has it pointed out to him as one of his text books.*

It is to your Committee passing strange that, notwithstanding the above Report is held forth to us, sanctioned by such authority, a temerity of conduct, bordering on a recklessness of consequences, should be allowed by its noble possessor to give cause for suspicion and distrust towards the intentions of His Majesty's Government. Had his Excellency, instead of the course he has been pleased to pursue, been implicitly guided by the recommendations contained in the above extract, he had then established confidence, and an assurance of equitable administration; but when, instead of which, he has taunted the province upon its infant condition, and appears, in the illustrations he has given, to have had in his mind's eye the fable of the young frog and the ox, what assurance have we, that governed in the "manner" we are, we shall ever arise from our present degraded condition?

And your Committee are led to the conclusion, from a careful observation of things, that the policy apparently intended to be pursued by the present head of our government and that of Rehoboam, as recorded in the 12th chapter of the First Book of Kings, to be very similar.

The Executive Council therefore are established by law, under constitutional responsibilities, to advise "upon the affairs of the province," and to be assisting to the Lieutenant Governor "in all affairs relating to the King's service;" and in favour of this proposition we have, in whole or in part, the concurrent testimony against his Excellency of the above overwhelming authorities, viz.—

1. The Constitutional Act.
2. Various British and Provincial Statutes referring to and recognizing the Executive Council of the province "appointed for the affairs of the province."
3. Governor Simcoe, and succeeding governors.
4. The Royal Instructions.
5. The Privy Councillor's Oath.
6. The general resemblance between His Majesty's Privy Council and the Executive Council of this province.
7. The nature and genius of our government, and the general principles of the Constitution.
8. The House of Assembly.
9. James Stuart, Esq.
10. Sir James Kempt.
11. The Right Honourable Lord Stanley.
12. His Excellency Sir P. Maitland.
13. His Excellency Sir John Colborne.
14. The late Executive Councillors.
15. The Report of the Canada Committee of 1828.
16. The Right Honourable Edward Ellice.
17. T. Stephen, Esq., late Counsel to the Colonial Office.
18. The Quebec Association.
19. The absence of any express provision of law or authority forbidding it.
20. The universal admission of all classes, parties, creeds and orders from 1792 until the arrival among us of Sir F. B. Head.
21. Lieutenant-Governor Hunter.
22. The debates in the British Parliament on the passage of 31st of the King.

In reference to the objection of His Excellency that "it must be evident to every *well-constituted mind*, that in an infant state of society it would be impossible *practically* to secure a sufficient number of impartial persons to effect a change of ministry as often as it might be necessary for the interests of the people to do so," (by the above, it will be observed that his Excellency, as in many other instances, has abandoned the constitutional object, and is endeavouring to sustain his positions on the principle of expediency) your Committee would state, that on general principles, the interests of the people could only require the removal of a council when there were other and better persons ready to fill their places; and until such other and better persons could be found, it is evident neither the people nor their interests would require or look for a change.

The moral and intellectual resources of this country are suited to its wants, and notwithstanding his Excellency's sneers, would lose nothing by a comparison with any other country; and in the opinion of your Committee it would be even easier to form councils from among the inhabitants of this province, adequate to its exigencies, than in England itself, for the vaster affairs of the empire. A really great man in this country would soon find the means to organize our institutions for the practical purposes of good government and peace of society.

Your Committee deny the pretended all-sufficiency of the Governor's liability to impeachment for mismanagement of our affairs, for the following reasons:

- 1st. Because, although such impeachment might be a punishment for maladministration after it was done, yet it affords no daily check or guard against it by means of advice or caution:

caution; and it seems to your Committee that the impeachment should at most be only resorted to after a Governor had acted wrong, with every local means afforded him to do what was right.

2d. Because the impeachment or complaint must be made by the injured person at a great distance, requiring a delay, expense and watchfulness, out of the reach of the power or means of the sufferer, who (if belonging to "the industrious classes,") might make out in writing a very informal or insufficient case, however clear its merits, or be unable to retain counsel and agents here and in England to conduct his suit. Limitation to such a remedy would practically be a denial of justice.

3d. Because the complaint would be made to a Minister in Downing Street, who is the patron of the Governor accused; and besides, the Governor has numerous friends on the spot to exercise every influence and interest in his behalf.

The weight of this reason is increased by the difficulty of proving any act to have been done from corrupt motives. Even if a presumptive case could be made out against a governor, it would be contended that a clear and positive one must be established before the consequences of impeachment could be visited on the accused; and how very many acts of misgovernment there are, in their nature vexatious and injurious, against which it would be difficult to fix the charge of corrupt motive, while it was palliated, evaded or explained away as an error of judgment, the deceptive assurances of others, a misapprehension of circumstances, a mistaken policy, or the like. For instance, it would be in vain to proceed against the executive authorities for the erection (as hereinafter mentioned) of 57 rectories, and certain corrupt exchanges of lands, although opposed to the well-known sentiments and interests of a vast majority of the religious community. It would be equally vain to attempt to institute such proceedings for many appointments to office, as Surveyor-General, Colonels of Militia, the Commissioners of the Courts of Requests and other offices. It would therefore obviously place the country in a desperate condition, if the *only hope of preventing wrong being done*, was founded on an institution of an impeachment for it *after it was done*, before a patron of the wrong-doer, 4,000 miles off, defended by a person intrenched in power here, and sustained at home by family connexions, and the preservation of what is called *the Colonial system*. The House of Assembly of Lower Canada instituted a complaint of this nature against Lord Aylmer in a most solemn manner, and with great unanimity, for most arbitrary and unconstitutional misgovernment; but it only ended in his promotion to a higher post of honour. Although therefore an impeachment might be resorted to in extreme cases, yet it by no means supersedes the necessity of all local and constitutional checks, calculated to prevent cause for so difficult, painful and undesirable a course. This precaution against the occurrence of evil, instead of merely contriving how it can be punished by impeachment 4,000 miles off, is the more needed from the fact that this impeachment would yield no redress to the persons injured, even if it punished the persons injuring them. If all our local governors were impeached, and all their estates confiscated, it would not repair the injuries of the most notorious nature; besides thousands of just complaints murmured only in secret, and either endured with patience, because the remedy proposed would be worse than the injury, or because, what is notoriously true, to prefer a complaint, however just, against a governor, ensures a black mark against his name as a troublesome, a factious, or undeserving man, whose future hopes are blasted, and his oppressions multiplied at every favourable opportunity, in various ways, that elude all proof and conviction. What could be done to redeem the injustice against Gourlay, Willis, the late Robert Randal, Francis Collins, and others? And if an insufficient blustering pretender to learning should be made a Judge, and an innocent person be convicted thereby and executed, he could not by impeachment be restored to life. Your Committee therefore desire again to reiterate their conviction that this alleged liability to impeachment for misgovernment, was never intended, and ought not, to supply the place of an efficient state of these institutions, wisely provided by law, not to punish but to prevent wrong; a course as desirable for the parent State as for the Colony; and although his Excellency has been pleased to state to the citizens, in answer to their address, his unwillingness to be deprived of "the only consolation which supports any honest man in an arduous duty, viz. the reflection that he is ready to atone for every error he commits, and that he is subject to arraignment if he offends; yet this consideration, either as a motive or a remedy, is so false in morals and so puerile in political affairs, as not to need further commentary. No better guard against both corrupt and unintentional misgovernment can be devised with our present constitution, than an efficient Executive Council, composed of persons of established character, to advise the Lieutenant-Governor upon public affairs.

4th. Because there are such changes of Colonial Ministers, that there might be half a dozen in succession before a suit could be conducted to a conclusion; and the justice done by one Minister is often undone by another. For instance, in Lower Canada, Mr. Gale, who gave such evidence before the Canada Committee of 1828 as to oblige the Right Honourable Mr. Spring Rice to pronounce him unfit for any office of trust, was appointed a Judge by Governor-General Aylmer, whose active partisan he had been.

When the news of this appointment reached England in the autumn of 1834, Mr. Rice had become Colonial Secretary, who addressed a despatch to Lord Aylmer, saying he could not confirm Mr. Gale's appointment. Mr. Rice was soon succeeded by Lord Aberdeen; and therefore Lord Aylmer, disregarding the commands of Ex-minister Rice, and the known sentiments of the people and their representatives, procured from the successor of Mr. Rice a confirmation of Mr. Gale's appointment, who is still on the Lower Canada

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Bench, although Mr. Spring Rice, on the 9th March 1835, being again in power, in a speech in the House of Commons, reiterated the denunciation of Mr. Gale as an improper person to occupy that station.

Your Committee find the same doing by one Minister and undoing by another, in the affairs of our own province, which is unhappily misgoverned by the same policy under the same Constitutional Act; for instance, the late Attorney-General and Solicitor-General were dismissed from office, according to Lord Goderich's despatch, because they opposed the avowed policy of His Majesty's Government in making certain concessions to the wants and wishes of the people; nor did his Lordship seem at all to notice the personal indignity they had audaciously offered to himself even as a Minister of the Crown; but no sooner was Lord Goderich succeeded by Lord Stanley, than the decision of the former in favour of the rights and liberties of the people, was by the latter cancelled, and the Solicitor-General put back again into office, to the great dissatisfaction of the country, and the Attorney-General sent as Chief Justice to Newfoundland to create new scenes of trouble and dissension there.

5th. Because when, in the year 1831, His Majesty suggested a further provision for the Civil List, which the Colonial Minister required to be made *for seven years or for the life of the King*, the terms of the proposition were not candidly submitted to the House of Assembly, but were suppressed for the purpose of securing a *keen bargain*; and for his boasted adroitness in managing it, his late Excellency was officially commended. This undue and impolitic concealment, so unworthy a great and magnanimous government, was practised with the aid of executive influence to carry a measure injurious to the constitutional liberties of the people; but the uselessness of any complaint against a government for such unworthy policy is apparent when we see, as in this case, that such liberal instructions are violated, and the mischief accomplished with impunity, although it merits disgrace.

Your Committee cannot, therefore, regard as satisfactory our mere nominal right to appeals to Downing Street, where the justest decisions in favour of our rights by one Minister, are with seeming indifference and impunity reversed by another.

6th. Because this pretended responsibility to Downing Street has been in full operation for nearly half a century, and we have therefore against its sufficiency the uniform testimony afforded by our misgovernment during nearly the whole of that period.

By this system we have been stript of the public lands and resources, and reduced to our present condition, and having thus suffered in the past, we cannot look for better in the future, if we submit to a continuance of the same system as has brought such a visitation upon us.

7th. Because although his Excellency professes to be responsible to Downing Street for the Executive Council as well as for himself, yet it is, according to his Excellency, "unreasonable that one man should have to bear another person's blame."

The professed responsibility of his Excellency for the acts of the Council, in case of default on their part, is novel indeed. Your Committee can understand well enough how the adviser becomes responsible for the acts of the advised; but how the actor can become responsible for the advice on which the act was founded, is beyond their comprehension.

A comparison of our constitution with that of the parent State justifies the language used by Simcoe respecting it. In England they have a King; in Canada we have his representative. In England they have a House of Lords created by the King; in Canada we have as a substitute a Legislative Council created by the King. In England they have a House of Commons elected by the people; in Canada we have a House of Assembly elected by the people. In England the King has a Privy Council to advise him upon the affairs of the empire; in Canada he has an Executive Council to advise him and his representative upon the affairs of the province.

This is emphatically the "very image and transcript of the British Constitution." But it becomes a mutilated constitution, and a sorry one indeed, when Sir Francis Head obliterates the Executive Council, or makes it, in his own language, "mute," "defenceless," "irresponsible," "sworn to be dumb." That the King, Lords and Commons, and Cabinet Council perform certain acts in England that are not authorized to be done by the Lieutenant-Governor, Legislative Council, and House of Assembly and the Executive Council of the province, your Committee do not deny; for instance, the Parliament of Great Britain legislate for the empire, and for the regulation of trade and commerce, &c. with other nations, and the Cabinet Council advise the King relative to the negotiations going on abroad, as well as for the welfare of the local affairs of the kingdom, and the appointment of certain high and important offices; while in Canada the legislative duties of the Parliament are more of a local nature; and so with the matters to be advised and consulted by the Executive Council, it must be clear that it no more follows, because the Executive Council are not to be advised on precisely the same matters that pass under the revision of the Cabinet Council, that they are not to advise at all, than it follows that the legislature here are not to legislate on any matter because they are not allowed to legislate on all, or precisely the same matters that are considered in the British Parliament.

It will be observed that his Excellency allows that "if the Lieutenant-Governor stood in the place of the Sovereign," an Executive Council, or some such body, would be "evidently necessary, and should be appointed," with whom he should advise; he further states, that "this is not the case," but that "the Lieutenant-Governor is therefore the responsible minister of the colony," if, as his Excellency says, he is the responsible minister of the colony, "it must be evident to every well-constituted mind" (on the principle of a responsible Ministry in England) that he ought ere this to have retired from his office, for nothing

is more clear than that he does not possess the confidence of the people's representatives. Theresponsible minister in England would be disgraced by attempting to continue in office for one single day after losing the confidence of the House of Commons; so if he be merely a Minister, he does not do as other ministers do; but it is beyond contradiction that he is something more than a minister. Whoever heard of a minister in England doing and performing the acts that the Lieutenant-Governor is authorized to do and perform here, both by the 31st of the King and the Royal Instructions? By reference to the Instructions it will be observed that the Government of the Province is spoken of as the Government under the Lieutenant-Governor no less than five times; in section 9, the words "*in your Government*" are used; in section 45, the words "*throughout your Government*" are used; in section 62, speaking of both provinces, the words "*their respective Governments*" are used; section 63 is as follows: "And you are upon all occasions to send to us by one of our Principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs *within your Government.*"

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The above most surely supposes discretionary power in the administration of the affairs of the province, for if nothing was to be done but what was contained in instructions sent out from home, there would be no use of transmitting a particular account of proceedings, as they would know for months before they could be performed; but the 59th section is quite conclusive on the point, and goes clearly to show that the Lieutenant-Governor is something more than a mere minister, and which clause ought in common fairness to have been quoted by his Excellency with those he did quote in answer to the Council. By it, then, his Excellency, *with the advice of the Executive Council*, may take order, do and perform all such matters and things as are for the peace, welfare and prosperity of the country; in short, may even *declare and commence war*. It is as follows: "If anything shall happen which may be of advantage or security to our province *under your Government*, which is not here contained (or by your commission provided for), we do hereby *allow* unto you, with the *advice and consent* of our said Executive Council, to take order for the present therein."

It will be observed that no minister is even authorized to do what his Excellency may do; he calls together the Parliament, and opens and closes it with a most gracious speech from the throne; he prorogues or dissolves Parliament; he gives the Royal Assent to Bills, by which they become laws; he appoints to and dismisses from various offices; no petition or remonstrance is received and acted upon by the King (not even from the House of Assembly) except transmitted through him; he may even declare and commence war.

Your Committee will not believe that any one possessing "a well-constituted mind," will deny that he stands in need of the best advice possible to be obtained, to enable him "impartially" to perform all those duties, and which the Constitution has wisely provided.

It was recommended, as a remedy for prevailing and increasing grievances, that the Executive Council should be allowed to advise the Lieutenant-Governor upon public affairs before he acted on them; and this might be hoped to be a remedy, because if good advice were given, it would (it must be presumed) be adopted; and if bad advice were given, it would be rejected or corrected. This doctrine is pronounced by his Excellency to be so unconstitutional, vicious and theoretical, as to prevent his retaining the late Council in his confidence, unless they retired from such principles. Your Committee, in giving a free and frank report upon this important question, are obliged to express their belief, that his Excellency was not so much shocked at the doctrine, as he was averse to its practical bearing against his own arbitrary pleasure; and they have come to that conclusion for the following reasons:—

1st. Because his Excellency compares his late Council to "a sterling fund, upon which he can constitutionally draw whenever embarrassment requires it."

The objection, therefore, is not made so much against having councillors, as against taking their counsel till *driven by embarrassment to do so*; of which embarrassment he claims to be the sole judge; although it does seem to your Committee inexpedient and unreasonable that his Excellency should pursue his own unadvised pleasure in every thing in government that is gracious, acceptable and popular, and only bring his Executive Council into the field whenever the pursuit of such unadvised pleasure has produced embarrassment, odium or difficulty.

2d. Because the Lieutenant-Governor admits, that "to enable him to perform the arduous duties of his office, the Constitution has wisely provided him with an Executive Council, competent to supply him with that local knowledge in which he may be deficient, and to whom he may apply for counsel and advice." Thus he admits the wisdom of the institution, and the purposes for which it was provided; but he avowedly wishes to make an experiment (at the expense of the country) of the extent to which he can carry on his government without their aid.

3d. Because he admits "the advantage of such a Council to a Lieutenant-Governor is so self-evident, that he must be weak and self-sufficient indeed who does not continually have recourse to it."

Thus the advantage is fully admitted; but his obvious repugnance is against availing himself of that advantage oftener than he may please; and with his late Council, for the three weeks they were in office, *he did not please to do it at all*; he admits the advantage of such a help, but he repels the proposition to receive it before "embarrassment requires it," when it might be too late to remedy the evil.

4th. Because he admits that the Executive Council "strengthens his judgment;" but he betrays repugnance against the proposition to strengthen his judgment when he happens to think

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think it strong enough without it, or to confer dignity on his proceedings when he thinks them dignified enough without it; but he wishes the strength to be reserved until embarrassment requires it.

5th. Because he states that the Executive Council should constitutionally "serve him (the Lieutenant-Governor), not them" (the people).

But the repugnance betrayed is against being served by them in the public affairs until he thinks "embarrassment requires it."

6th. Because he had promised his late Council "to treat them with implicit confidence;" but his repugnance is against its being so *implicit* as to be received upon public affairs before "embarrassment requires it."

7th. Because his Excellency mentions the willing approval by the late Council of the very first suggestion he made to them, namely, "that no important business should be commenced in Council until they, as well as the Lieutenant-Governor, had become mutually acquainted with their respective duties." Thus, important business, it is admitted, was to be commenced, but the complaint is that it was commenced too soon, viz. "before embarrassment requires it."

8th. Because in his answer to the citizens he says, respecting the present Executive Council, "I shall consult them as unreservedly, as I had promised to consult those who have just resigned."

Thus it appears he had promised to consult them *unreservedly*, but he claims the *reservation* to consult them only at his pleasure, viz. "when embarrassment requires it."

9th. Because his Excellency asks the citizens, "Why then should my Council, whose valuable advice (if it were not forced upon me) I should be most anxious to receive, be required to demand of me my responsibility?" Thus it appears that the objection is not against a Council, but against their advice being "forced upon him," when he thinks he needs it not; viz. before "embarrassment requires it."

From all which your Committee are obliged to report their belief, that his Excellency was not so much shocked at the doctrine of the late Council, as he was averse to its practical bearing against his own unadvised arbitrary pleasure, to draw upon their sterling fund only when "embarrassment requires it."

His Excellency, in his reply, objects to the views of the late Council, because "it would be evidently unjust towards him that he should be liable to impeachment for any acts but his own." But in the representation of the late Council, furnished your Honourable House by his Excellency, there is nothing which places things on such a foundation; they merely proposed to give advice upon public affairs preparatory to his Excellency's discretionary action upon those affairs. The acts of his Excellency would not be the less his own because he received good advice before acting; nor would he, under such advice, be less liable to impeachment, while he certainly would be less likely to deserve or incur it.

Your Committee regret to notice in his Excellency's answer to the city corporation, that he charges them with "begging leave to name for him other individuals for the station" (the Executive Council), because when so exalted a public functionary as the representative of His most Gracious Majesty is betrayed into misquotations or misrepresentations, manifestly not justified by the document from which they are professed to be taken with candour and truth, it is calculated to impair the weight and dignity of the high station, and induce by its pernicious example a laxity on such subjects in the public morals; for it is plain the City Council in their Address (in the Appendix marked D.) name no individuals, but leave his Excellency in the free exercise of the Royal prerogative to select any suitable Councillors from the province at large.

In the same public document his Excellency further remarks, "The members of the late Council rest their claims very nearly on the following grounds, that the responsibility they assume, being a popular opinion daily increasing, is consequently the law of the land; and, secondly, that though the powers they require are nowhere expressed in the Constitutional Act, they were evidently intended to have been inserted." Your Committee are obliged to report that the above extract, given as the grounds assumed by the late Council in their representation, is neither candid nor warranted by facts.

The late Council plainly deduce their duties from the 31st Geo. 3, even without reference to the less desired, but not less forcible principles of constitutional right and civil liberty. How then can they be truly said to make the law of the land the consequence of popular opinion, or that their powers were only intended to be inserted in the statute, when they quote the statute in which the powers are actually inserted?

In the answer to the citizens of Toronto, his Excellency says, "With respect to my late Council, I regret, quite as much as you can do, their resignation; but before they took the oath of secrecy (which appears to my judgment to be an oath of non-responsibility to the people) I addressed to them a note which clearly forewarned them, as follows:—'*I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it.*'"

Your Committee here notice, 1st, an alleged regret, 2nd, an alleged arrangement.

It seems impossible to reconcile this alleged regret on the part of his Excellency at their resignation with his own act obliging them to resign. The late Council were called upon "to retire from his confidence" if they did not "retire from their principles;" but they *could not retire from their principles*, and were therefore obliged to *retire from his confidence*. To present to the late Council a dishonourable condition upon which to remain in the King's service, and then allege regret at their declining that condition, by tendering their resignation, obliges your Committee to report their belief, either that his Excellency really felt no such

such regret as is alleged, or that he did not feel the repugnance honourably expressed by Mr. Baldwin "to the abandonment of principles for the sake of place."

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2d. There is an alleged arrangement. Now your Committee cannot but notice a want of candour in this matter. The terms "on all subjects respecting which I may feel it advisable to require it" (advice), are obviously indefinite, and could not, your Committee think, have been anticipated by any to mean "*no advice at all.*" If his Excellency intended the above as a mental reservation, enabling him to convert his Council into ciphers or mutes, he should not have coupled it with expressions implying the reverse; for in the letter from which this alleged arrangement is deducted, his Excellency assures them of his "implicit confidence." But it appears to your Committee that the circumstance of adding three new councillors, with the assurance to them of his "implicit confidence," amounted to an arrangement, a declaration of an intention to advise with them freely. "Implicit confidence" cannot be manifested by placing none; and when his Excellency's letter to Mr. Baldwin was publicly read by a Member in both Houses of Parliament, no one construed it to mean an arrangement not to consult the Council at all. Instead, therefore, of admitting that the late Council, as alleged by his Excellency, "altogether in a body disputed the arrangement," your Committee consider that they had rather cause to complain that the arrangement was broken by him; for the detention of them three weeks unconsulted in the Council in the most urgent season of business, was a palpable violation of the promise to repose "implicit confidence."

In his reply to the same address he adds, "I shall consult them (the new Council) as *unreservedly* as I had promised to consult those who have just resigned." This language shows that "he had promised unreservedly to consult his late Council," and such the public universally understood to be the case. But as his Excellency accepted the services of the late Council, and "with pleasure" promised to give them his "implicit confidence" and to "consult them unreservedly," your Committee notice with pain the inconsistency of such declarations with the attempt to criminate the late Council by misrepresenting them as having first voluntarily entered into an opposite arrangement, and then altogether in a body disputed it.

Your Committee addressed a letter on the subject to Mr. Robert Baldwin and Dr. Rolph, both of whom they have also examined. (See Appendix marked F.)

From the letter and evidence your Committee collect that no "such arrangement" as is alleged by his Excellency to have been "since disputed" ever was made, ("to give advice only when required"); that no such "forewarning" was given them, or professed to be given, or expressed, or implied; but on the contrary, that the Councillors were told that his Excellency's doors were open for them to give advice on any subject at any time, that the letter now construed by his Excellency into such a limitation, was not the same in words or substance as the one arranged and promised to be given; that *although it is dated the day before the Councillors were sworn in, it was not delivered till afterwards*, when the changed features of the letter appear to have struck with surprise the persons to whom it was addressed, and which letter, from motives of delicacy explained in the evidence, was not returned, as its disingenuous application was not anticipated.

That the proposition out of which the letter grew *was not made till the negotiation was over*, and the three new Councillors attended, by previous desire of his Excellency, to receive formal united invitation, and that *it then originated not with his Excellency, but with Mr. Baldwin.*

The statement, therefore, of his Excellency, appears in the same discreditable light, as the discrepancy between his denial to your Honourable House of any agreement between any members of the present Council respecting the contingent administration of the government in case of the Lieutenant-Governor's death or absence from the province, and the admission of the facts so denied by two of his present Councillors, Robert B. Sullivan, Esq. and the Honourable Captain Baldwin. Indeed it is, if possible, worse, because the mistake is intended to criminate the late Council after their dismissal.

Your Committee feel bound to notice one other of his Excellency's *reasons*, by which he attempts to show that we would be ruined if we had the image and transcript of the British Constitution imparted to us. His Excellency, when replying to the citizens of Toronto, asks with apparent triumph, "supposing it were to be argued that four-fifths of the members of your House of Assembly ought immediately to be dismissed, because, in proportion to the population of Great Britain and Ireland, there exists five times as many members here as in the English House of Commons, would you not think it very irrational that this *noble but thinly peopled* colony should be made the exact image and transcript of the British Constitution merely because Colonel Simcoe happened to use these words." &c. Without remarking on the strange idea of his Excellency making the people of a colony into a constitution, your Committee beg merely to give an extract from the remarks of Lord Grenville in the House of Lords in the discussion on the passage of the Act 31st Geo. 3, as a reply to the remarks of his Excellency, and the application:

"They did not mean to give Canada exactly the same Constitution, as for instance, 558 representatives. That was impossible in the nature of things; but their great object had been to adhere as nearly as possible to the purity and principles of the English Constitution in every part of the Bill."

His Lordship also said, "It was undoubtedly a mistake to suppose that any government was free only as it approached to democratic principles. Absolute monarchy, absolute aristocracy, absolute democracy, had, in the history of mankind, been tried in the scale of experience, and had been found wanting. Our own Constitution, which was compounded

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of these three, was the first in the world, and the envy of every surrounding nation. It was for that reason that they were now about to communicate the blessings of the English Constitution to the subjects of Canada, because they were fully convinced that it was the best in the world. The Legislature of Canada consisted of three parts, representing that of this country."

It is said in the reply, that "in government, impartiality is better than knowledge, and it must be evident to every well-constituted mind, that in an infant state of society, it would be impossible practically to secure a sufficient number of impartial persons to effect a change of ministry as often as it might be necessary for the interests of the people to do so."

Upon the truth of this maxim, "in government impartiality is better than knowledge," your Committee forbear to offer any extended comment; but they cannot conceal their disgust at the offensive manner in which it is applied against the moral character of the people of this province. He appears to your Committee to have assumed the government with most unhappy prejudices against the country; for he alleges, certainly with very limited means of personal observation, that there is a lack of "*impartial persons*" to form a new Council on any occasional change; and your Committee lament to hear that his Excellency is surrounded by, and gives his credulous ear to, irresponsible and unworthy advisers, who poison his mind against the moral and intellectual merits of the people he is appointed to govern. In his reply to the address of the citizens, he expresses his estimate of the knowledge and taste of the public by condescending to "plainer and more homely language" (and both plain and homely enough it is); but besides thus reflecting upon Canadian understandings, his Excellency further impeaches their good morals, by declaring there are not "*impartial persons*" enough in the country to enable him to seek adequate changes in the Council. It thus goes to England with the highest official authority, that this is little better than a country of *rogues and fools*. In Canada his Excellency, with the temerity of a stranger and the assurance of an old inhabitant, presumes to testify that there is not a sufficient number with heads and hearts yielding knowledge of impartiality to aid the good management of our own local and internal affairs. Should the history of this colony be ever collected from the secret despatches in Downing Street (of which we have had frequent specimens), posterity will form a very erroneous and unjust estimate of the talent and virtues in the country; low indeed are we placed in the scale of human nature.

While engaged in preparing this Report, the attention of the Committee has been suddenly called to the documents referred to them on the 4th of April, respecting the erection and endowment of parsonages throughout the province, and the exchanges of different portions of the clergy reserves for other property, (which are hereto appended, marked P.)

From these documents it appears, that, within the past year fifty-seven rectories or parsonages, "according to the establishment of the Church of England," have been constituted in this province by the Government under the Great Seal of the province, and have been endowed out of the clergy reserves, in each case varying in general from 400 to 800 acres of highly valuable land, chiefly in old townships, and in some cases within towns.

To these rectories or parsonages ministers have been or are to be presented, as are their successors in future, by the Government, and they are, according to the thirty-ninth clause of the Constitutional Act, "to hold and enjoy the same and all rights, profits and emoluments thereunto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties, as the incumbent of a parsonage or rectory in England;" and the next clause of the Act provides for the exercise of "spiritual and ecclesiastical jurisdiction and authority," "according to the laws and canons of the Church of England;" under which clause of course Ecclesiastical Courts will be established, as no others can fully exercise such "spiritual and ecclesiastical jurisdiction."

Upon an examination of the instruments by which these rectories or parsonages are constituted, it appears that power is reserved to the Government of "hereafter erecting and constituting one or more parsonages or rectories" within the respective townships in which they are now by these instruments constituted.

According to the Act, the Government may endow these parsonages "from time to time" so that if the bold experiment succeeds which is now attempted, we may expect that the present parsonages will receive further endowments, and that the number of these parsonages will be multiplied amongst us beyond all present calculation.

It further appears that different clergymen of the Church of England have received from the Government, in exchange for their own private property, large quantities of the clergy reserves; for instance, the Rev. James Cogan surrenders 36 acres of lands in the township of Hope, with a messuage or dwelling-house, and receives in exchange 1,020 acres, 400 of which are in the township of Hope, 300 in Cavan, 100 in Emily, and 220 in Seymour.

The Rev. Benjamin Cronyn surrenders four acres of land, with a dwelling-house, outhouses, offices and buildings, and receives in exchange 1,892 acres, of which 1,396 are situate in the township of London, and the remainder in Nissour.

The Rev. Francis Evans surrenders 50 acres of a clergy reserve, and 50 acres in Woodhouse, without any house or building, and he receives 800 acres in Walpole.

The Rev. Philip Meyerhoffer surrenders the rear part of Lot No. 17, in the fifth concession of Markham, containing 70 acres, without any house or building, and he receives Lot No. 19, in the same concession of the same township, containing 200 acres.

All comment upon such transactions is superfluous. But most astonishing of all, Rear-Admiral Vansittart has been permitted to share in these good things for the benefit of the church, and has received in exchange for a house, two acres and two lots of land in Blandford, and 26 acres in Oxford East; 3,690 acres of valuable land!

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The land thus conveyed to them in exchange becomes their own property, and will not belong to their successors.

And all these endowments, and all these grants in exchange for messuages and lots of land, are in addition to the large regular allowance that is annually paid to them by the government out of public moneys of the province, without the knowledge or consent of the people and their representatives!

Thus, in one year, in contempt of all our humble remonstrances and earnest protestations against Church Establishments and Government patronage of religious bodies, *fifty-seven Government Parsons* have been established in this province, and endowed out of the clergy reserves, established and endowed under the Great Seal to give it peculiar solemnity, and if possible to make it irrevocable.

In this way has the Government opened a new source of political influence and power, and not only established a State Church amongst us, with "spiritual and ecclesiastical jurisdiction and authority," but a State Church of which the Government is the universal and sole patron, having the exclusive right of making the presentations or appointments of the ministers of these different parsonages.

It is with difficulty that the Committee suppress the strong feelings of disgust, indignation and astonishment, which these practices and proceedings of the Government are calculated to excite.

Year after year have the people of this province, and their representatives, been straining every nerve to procure the appropriation of the clergy reserves to some useful public purposes, in which all His Majesty's subjects might impartially and equally participate. Year after year have they solemnly and indignantly protested against the establishment of any State Church in this province. The people, from one end of the province to the other, again and again have petitioned the Provincial Parliament, the King, and the Imperial Parliament on the subject. These petitions proceeded not only from the people indiscriminately and repeatedly, but also from different public bodies. The explicit and distinct representation on this subject of the Methodist Conference, in 1831, in their Address to His Majesty, cannot be forgotten, inasmuch as it produced a most offensive reply from Sir John Colborne, which caused much excitement and dissatisfaction at the time; and inasmuch as the observations contained in the Address on the subjects of applying public funds to the support of religious bodies or teachers, and of appropriating the clergy reserves to purposes of general interest, were distinguished for wisdom and truth.

And so late as 1832, petitions were transmitted to England, expressing similar sentiments on these subjects, subscribed by more than 18,000 of His Majesty's subjects in this province. In fact, all parties and all denominations on this matter have been agreed, and have so remained, with a unanimity and perseverance that is really surprising.

Equally decided and uniform have been the exertions of your Honourable House to effect the same object; and this has been the case, not only when one party prevailed, but also when its opponent had the ascendancy. They have repeatedly addressed His Majesty; they have also repeatedly exercised the powers given to them by the Constitutional Act, to repeal those parts of it which relate to the appropriation of the clergy reserves; although these bills, like many others ardently desired by the country, have been contemptuously rejected in the Legislative Council. So numerous and urgent have been these representations to His Majesty's Government, that the appearance, at least, of a favourable disposition on this subject was at length obtained from the Cabinet Minister.

In 1832, the House of Assembly were informed by his Excellency Sir John Colborne, in a message, dated 25th January 1832, that he had His Majesty's commands to make to it the following communication:

"The representations which have at different times been made to His Majesty and His Royal Predecessors, of the prejudice sustained by His faithful subjects in this province, from the appropriation of the clergy reserves, have engaged His Majesty's most attentive consideration.

"His Majesty has, with no less anxiety, considered how far such an appropriation of territory is conducive either to the temporal welfare of the ministers of religion in this province, or to their spiritual influence. Bound no less by his personal feelings than by the sacred obligations of that station to which Providence has called him to watch over the interests of all the Protestant churches within his dominions, His Majesty could never consent to abandon those interests, with a view to any objects of temporary and apparent expediency.

"It has, therefore, been with peculiar satisfaction, that, in the result of his inquiries into this subject, His Majesty has found that the changes sought for by so large a proportion of the inhabitants of this province, may be carried into effect without sacrificing the just claims of the Established Churches of England and Scotland. The waste lands, which have been set apart as a provision for the clergy of those venerable bodies, have hitherto yielded no disposable revenue. The period at which they might reasonably be expected to become more productive is still remote.

"His Majesty has solid grounds for entertaining the hope that, before the arrival of that period, it may be found practicable to afford the clergy of those churches such a reasonable

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and moderate provision as may be necessary for enabling them properly to discharge their sacred functions.

“ His Majesty, therefore, *invites* the House of Assembly of Upper Canada to consider how the powers given to the provincial Legislature, by the Constitutional Act, to vary or repeal this part of its provisions, can be called into exercise most advantageously for the spiritual and temporal interests of His Majesty’s faithful subjects in this province.”

Surely this was a pledge of no ordinary solemnity on the part of the Government not to proceed in opposition to representations which had at different times been made to His Majesty “ by so large a proportion of the inhabitants of this province.”

To establish and endow these rectories, in opposition to these representations, was as flagrant a violation of good faith as can well be imagined.

In Lord Glenelg’s Instructions to his Excellency, it is distinctly intimated, that the disposal and appropriation of the clergy reserves are to be left, for the present at least, to the Legislature of the province. Under these circumstances, how can the proceedings of the Government in the formation and endowment of these rectories, and the exchange of lands (evidently a system of jobs) be reconciled with a decent regard to good faith and justice, to the interests of the province, or to the well-known and often declared wishes of the people? The reflections which such a question suggests are painful and mortifying.

Measures most deeply affecting the peace and happiness of the people, their opinions and feelings, are adopted, not only without their consent, but in opposition to their known and unanimous wishes. To continue our complaints seems equally wearisome and useless.

Lord Glenelg declares, in his Instructions to his Excellency, that “ Parliamentary legislation on any subject of exclusively internal concern, in any British colony possessing a representative assembly, is, as a general rule, unconstitutional; and that to withdraw from the Canadian to the Imperial Legislature the question respecting the clergy reserves, would be an infringement on that cardinal principle of colonial government which forbids parliamentary interference, except in submission to an evident and well-established necessity.”

These are the professions of the Government, but what has been its conduct?

In 1827, an Act was passed by the Imperial Parliament, without even a pretended necessity, and without the consent or knowledge of the people of this province, or their representatives, authorizing the sale of a part of the clergy reserves in this province (not exceeding one-fourth), and withdrawing from the Canadian to the Imperial Legislature the question respecting the application of these funds to other purposes than their original object, such as the support of education, &c.

The same Act also authorizes the Government to accept in exchange for any part of the clergy reserves, from any person, any lands of equal value.

Under this Act *more than sixty-one thousand pounds*, abstracted from the small amount in circulation, to repay the hard-earnings of the people of this province, have been raised by the sale of land, and *paid into the military chest*, over and above all the expenses of selling the lands, &c., as appears from the official statement of the Hon. Peter Robinson, the Commissioner appointed by the Crown for these sales; an evil so great and palpable, that it was foreseen and pointed out by the Right Hon. Edward Ellice in 1828, who, in his examination before the Committee of the House of Commons on the Affairs of Canada, after describing the general and deep feeling which exists in this province, about the appropriation of these reserves, says, “ Surely the framers of that Act must have overlooked the additional objection of draining, from the small capital of the country, any part of it for this invidious purpose.”

Notwithstanding this caution, and although the law was a plain infringement of the principles of our constitution, recognised and admitted by them, the present *Ministry* are acting upon it, not only in selling these services, and “ draining from the small capital of the country for this invidious purpose, annually,” a large sum, but also in making these exchanges.

What practical commentary is this upon the professions of a Colonial Secretary! Did the writer of Lord Glenelg’s Instructions suppose that the people of this province were destitute of common sense and discernment?

The whole of the transactions to which we have adverted, respecting the clergy reserves, and the erection and endowment of parsonages, prove the necessity of having a responsible Government, and illustrate the importance of the great constitutional principles, for which the people and their representatives for a long time, and the Executive Council more recently, have been contending.

Your Committee have deemed it proper to notice this matter in the Report, as being a true commentary on the effect and working of the system heretofore acted upon, and now clung to by his Excellency, as if his very existence depended upon it, and who unblushingly declares, that without that system we are ruined. Now your Committee would ask, will any man pretend to say, that the endowing these parsonages was in accordance with the feelings, wishes and interests of the people, or will they pretend to say that our Executive Council, possessing the confidence, and having an identity of interest with the great body of the people, would have advised such a step? A few seasons more of as favourable picking, and the remaining clergy reserves in the province will not be worth the asking, let alone contending for.

Until

Until the representative of the King in this province shall be surrounded by advisers sharing the views and possessing the confidence of the people, and their representatives, and shall freely and candidly and cordially consult them upon the affairs of the province, we must expect the same evils and the same grievances which have only increased from year to year, amidst the complaints of the people and the promises and professions of the administration. The necessity of insisting upon a constitutional and responsible government must be apparent to every candid man.

Your Honourable House lately addressed his Excellency on the subject of a supposed understanding or arrangement between two or more of the Members of the present Executive Council, as to the administration of the government in the event of his Excellency's death, which Address and Answer are hereto appended, marked (K.); in which answer his Excellency was pleased to intimate rather indignantly, that he knew of no such agreement, and in fact that no document of such a nature existed. The Hon. Robert Baldwin Sullivan, the presiding Member of the Executive Council, and the Hon. Captain Baldwin, however, informed the committee, as will appear by the minutes of their evidence, marked (L.), hereto appended, that a paper had been signed, whereby Mr. Sullivan had declared his intention, in the event of his Excellency's death, not to administer the government, although by the Royal Instructions, in such a case, the administration would devolve upon him, as presiding Councillor; but to resign his office, in order to avoid the administration of the government, *and that this paper was not only in existence, but was drawn up by his Excellency himself* in the Council Chamber, signed and delivered to Mr. Allan (the next senior member), in the presence of his Excellency and the whole Council.

The respect which your Committee feel for his Excellency's high office, forbids their dwelling upon the mortifying subject of the contradiction between his Excellency's answer and those gentlemen's testimony; and they will only say, that it must of course destroy all confidence in future in his Excellency's assertions, especially as his Excellency retains Mr. Sullivan as his principal and confidential adviser, notwithstanding the evidence so given by him.

Neither do they think it necessary to dwell upon this arrangement, to bargain away, contrary to the Royal Instructions, the future government of this province; for such it evidently was, notwithstanding Mr. Sullivan's attempt and natural anxiety to explain it away; an arrangement as unconstitutional and delusive as could have been proposed; for, in the event of Sir Francis B. Head's death, the government would necessarily devolve on the presiding councillor, and he could not have resigned to any one but His Majesty. To resign to his inferior would have been "a new theory." Neither could he have released himself from the government by refusing to take the oath of office. The Committee observe that such an oath is not required by the 31st of the King or the King's Instructions, and at all events the power to administer the government, in the event of his Excellency's death, does not depend on it, for if it did, we might be for a time without a government; and if one could decline taking an oath, all might, and we might in such an alternative be left without a government. An arrangement so inconsistent with the rights and honour of the Crown, and with the safety and protection of the people, was probably never before thought of in a British colony, and is a striking evidence of the strange notions entertained by his Excellency and the present Council about our constitution.

In some of the old colonies, the people chose their own governors, but never before was a successor to a governor then living chosen by the Council; that very Council who, in his Excellency's estimation, is such a mere cipher, such a mute and irresponsible body.

To obtain a fuller elucidation of this humiliating subject, your Committee were desirous of obtaining the further evidence of the Honourable Messrs. Allan and Elmsley, and although the Legislative Council, in compliance with the Address of your Honourable House, granted permission to these honourable gentlemen to attend your Committee, yet they have refused to do so, under excuse of some informality in addressing them; although in an executive matter, so materially affecting their characters as councillors, your Committee had hoped all minor considerations would have been discarded. But Mr. Sullivan's statement needs no confirmation, and the participation of the others in this singular and unconstitutional proceeding remains uncontradicted, with an opportunity afforded them, if innocent, of exculpation. This conduct justifies, in point of fact, the declaration by your Honourable House of an entire want of confidence in the present Executive Council, communicated by address to His Excellency. It is to your Committee a matter of profound regret that when his Excellency was surrounded by the late Council, with every means of conducting his administration in a manner efficient and satisfactory, calculated to allay all existing discontent, and preserve the peace, welfare and good government of the province, he should so hastily, rashly and wantonly disappoint public expectation, and fill the province with greater distress and apprehension than ever prevailed from the alien question.

Your Committee, while on this humiliating subject, feel bound also to remark on the positive contradiction between the evidence of the honourable Mr. Sullivan and the honourable Captain Baldwin, as reference thereto will prove; while Mr. Sullivan expressly affirms that the writing was drawn up solely at his own request, Captain Baldwin stated that it was at the suggestion of the Honourable Mr. Elmsley.

The Committee beg leave also to remind your Honourable House again of your Address to His Majesty during the last Session, hereunto appended, marked (H.), respectfully but earnestly urging that the principles of the British Constitution, respecting the advisers and confidential officers of the Government in this province, might be enforced, and intimating an intention on the part of the House, if these just and reasonable wishes were longer dis-

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regarded, to withhold the supplies from a government conducted in such a manner and by such officers. Your Honourable House has distinctly but respectfully declared to his Excellency its regret at the removal of the late Executive Council, and its entire want of confidence of the present members of it, and has humbly requested him to take immediate steps for their removal. Nevertheless they are retained, and the wishes of the representatives of the people, constitutionally expressed, are disregarded. No alternative is left to the House, in the opinion of the Committee, but to abandon their privileges and honour, and to betray their duties and the rights of the people, or to withhold the supplies; the constitutional right of which is clearly acknowledged in Lord Henley's despatch, and also in his Excellency's reply to the late Council; and in the language of Lord Stanley, on the very subject of procuring a removal of advisers in this province, "it is the constitutional mode of enforcing our wishes." All that we have done will otherwise be deemed an idle bravado, contemptible in itself, and disgraceful to the House, and although, in consequence of the law granting a perpetual Civil List, which was obtained by Sir John Colborne's withholding a despatch that he had been directed to communicate to the Legislature, showing that the government only wanted the grant for seven years, or during the life of the King, which act received the approbation of His Majesty's Government, the refusal of the supplies cannot have its just constitutional influence, yet it will testify the feeling and the determination of the House more forcibly to His Majesty's Government, and will avail more than any thing else. It becomes the more necessary when it is observed that Lord Glenelg assumes in his Instructions to his Excellency, that until the last Session there generally "subsisted a spirit of amicable co-operation between the Executive Government and the Legislature;" although so far from any such harmony subsisting, the majority of the House of Assembly, in both the ninth and tenth Parliaments, were denounced by the adherents of the provincial Administration in unmeasured terms of abuse, and were represented as being opposed with even indiscriminate hostility to the arrangements and institutions of the Government.

Your Committee, therefore, distinctly recommend to your Honourable House to withhold the annual supplies.

His Excellency, in answer to the Address of your Honourable House respecting the present Executive Council, observes, "I might say that I had hoped the House would have refrained from any such decided expression of its opinion on the subject until it had received the Report of the Committee to whom the subject was referred, and for whom the Government office is now occupied in furnishing the documentary evidence they desire; but I am unwilling to discuss the question."

Your Committee hope there is not now, and never will be hereafter, another such a direct and violent breach of the privileges of the Commons' House of Assembly; indeed, the assumption of power to chide the whole House for not awaiting a report from a select committee, can meet with a parallel only in the very worst periods of English history. Surely such conduct was never intended, and will never be countenanced by the British Government. Observing the marked forbearance of your Honourable House, your Committee dismiss this painful and humiliating subject, simply referring to the recent case of a similar nature in Jamaica, which is set forth in the following communication to his Excellency the Governor of that island, during its last session.

"May it please your Excellency,

"We are ordered by the House to wait on your Excellency with the accompanying resolutions, which have been agreed unto by the House:—

"1. Resolved, That the first message of his Excellency the Lieutenant-Governor, of yesterday, is a direct breach of the privileges of this House, inasmuch as the subject-matter of that message was then pending between the other branches of the Legislature.

"2. Resolved, That this House cannot, consistently with its own dignity, or with due regard to its own rights and privileges, which are the firmest bulwarks of the liberties, franchises and immunities of the people, proceed to do any other business until reparation shall be made for this breach of privilege."

This, your Committee conceive, is a just illustration of the resentment which such conduct deserves, and generally receives.

The attention of your Committee has been recently drawn to a political address from the grand jury at the present assizes in this city to his Excellency, and his Excellency's answer. (See certified Copies in the Appendix, *marked U*.) This grand jury, selected by Mr. Sheriff Jarvis, holding office during the pleasure of Sir Francis Head, style themselves "*Grand Jurors representing the Home District!*" There is no known law or constitutional usage under which the above gentlemen can claim the representative character; and it has ever been a subject of grievance and regret that the Executive Government have given a countenance to the political pretensions and sycophantic offerings of grand juries in this country. While they mix up with their judicial duties the party feelings of the day, and present to the Lieutenant-Governor, with evident acceptability, their political oblations, there can be no prospect of that cool, dispassionate and impartial conduct towards all classes of the people, required by their oath, and prescribed by the law. The mixture of such matters in the public ordinances of religion, or in the public administration of criminal justice, must be revolting to every "*well-constituted mind*," and is certain to contaminate what the dearest interests of society require to be pure and untainted. The imposition of political duties upon the Chief Justice as Speaker of the Legislative Council, against the repeated remonstrances of the people and their representatives, is felt to be itself a practical evil, and has

no doubt also contributed to destroy that decorum in other branches of the Judiciary, which might otherwise keep them aloof from voluntarily blending party politics with the duties of the grand jury room. With the grand jury originate indictments for alleged political offences, and the practice of tampering with their own consciences by inflaming themselves with such unseasonable discussions, is calculated to revive the scenes acted in the administration of Sir P. Maitland.

It is a striking fact, that the foreman of this grand jury, selected by Mr. Sheriff Jarvis, is a military gentleman on full pay, on a temporary leave of absence, and who, although a son of the late Dr. Macaulay, is personally known only to a few as an occasional visitor from military service. Your Committee, without meaning any personal reflection upon that gentleman, cannot but remark upon the conduct of Mr. Sheriff Jarvis in making such a selection, which appears to have been done to second the avowed intentions of the Lieutenant-Governor to appoint him Surveyor-General, with the further plan of introducing him into the Legislative and Executive Councils. The same gentleman, it appears, has recently presided at political meetings in this city; and, as a military man, he seems unconscious of the impropriety of re-acting the same scenes in the sphere of a grand juror.

His Excellency's answer welcomes the adulation of the grand jury, and outstepping the limits of the Address, he descants against "the ignominious tyranny" of the Executive Council of the province, which he styles "a secret Metropolitan Cabinet;" thus deriding and vilifying the institutions of the country, while in obvious allusion to those who differ from him upon this "great constitutional question," he boasts of having "*repelled enemies.*" Affairs assume a serious character when the representative of His Majesty arrays against himself as "*enemies*" whom he has "*repelled,*" the great body of the people, who have long sought for a better constituted and more efficient Executive Council for the practical ends of government. These hostile and inimical feelings indulged by his Excellency against so numerous a class of the community, blast all our hopes of that impartial and conciliatory policy and constitutional system which have been promised by the British Government.

The Committee have been obliged unavoidably, though reluctantly, to extend their Report to a great, perhaps an inconvenient, length. They think the subject one of vital interest, and the present era an all-important crisis in our affairs. The despotic unconstitutional principles announced and defended by Sir Francis Bond Head, and his avowed determination to adhere to them; the tyrannical and unjust conduct pursued by him towards the late Council, the bitterness of feeling which he is known to entertain towards all who think it their duty to oppose him; the intention which his public acts evince to perpetuate and aggravate the system, and to cherish and favour the party, so much complained of, yet so much fostered, under his predecessor, destroy all hope that his administration of the government can be just, satisfactory or useful to the country, or conducive to the honour and interests of the Crown, and make it, in the opinion of the Committee, a necessary though most painful duty on the part of your Honourable House, respectfully but most earnestly to pray that His Majesty's Government will seriously consider our situation, and afford us such relief as the exigency of the case requires. Respect for the Crown requires that this object should be sought in the ordinary way, by an address to His Majesty only; but considering the usual manner in which our representations have been viewed and treated at the Colonial Office, we recommend that a Memorial should be also addressed by your Honourable House to the House of Commons; a body who understand and feel the value and importance of those principles for which we are contending. The Committee have prepared an Address to the King and a Memorial to the House of Commons in conformity with these views, which they beg leave most respectfully to submit herewith; and recommend that a copy of this Report, with the Appendix and Memorial to the House of Commons, be presented to his Excellency with the Address, and a request that he will be most graciously pleased to transmit the same to His most Gracious Majesty the King.

They submit the whole with a deep and solemn sense of the great responsibility which now rests upon the House of Assembly. The state of our public affairs, apparently growing worse instead of being improved; the dissatisfaction and anxiety of the people; the determination of the Government to defend and enforce arbitrary principles, and to oppose the application and the operation in this province of acknowledged and essential principles of the British Constitution, and the comparisons which are every day made between our condition on the one hand, and on the other hand the prosperity of all classes, the activity of business, and the improvements of all kinds in the adjacent country, are considerations which cannot be disregarded. Blessed with a fine and healthy climate, a productive soil, unequalled natural facilities for internal communication, and an industrious and enterprising population, we ought to see the country flourish and improve at least as much, and the people as happy, prosperous and contented under the British Constitution (if we were permitted to enjoy it in its full and beneficial operation), as could be realised under a different form of government.

The Committee are not willing to believe the contrary; but that a system which has long rendered unavailing the natural advantages of the country and paralyzed its youthful energies, should now of a sudden produce contrary effects, is not to be expected.

Great as is the constitutional question for which the country contends, it is simple in its nature. We have, under the 31st Geo. 3, an Executive Council, constituted by the Royal Instructions; this Executive Council we desire to see discharging the duties belonging to such a Council; as it is the duty of Parliament to legislate, so it is the duty of the Executive Council to advise. It has been simply proposed that our public affairs should

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pass under their review preparatory to the final and discretionary action of the Governor upon them; and assuredly the people, upon whose affairs and highest interests the advice is given, should be allowed to see the representative of the King surrounded by men alike possessing his confidence and that of the country.

The great question now before your Honourable House and the country, is not whether we are to have the constitution and form of government of the United States introduced and established among us, but it is simply whether we (His Majesty's subjects in Upper Canada) shall enjoy acknowledged principles of the British Constitution.

Whether we shall have the same rights and privileges that are enjoyed by our fellow subjects in the United Kingdom, and which has always heretofore been admitted in theory, but denied in practice?

Whether the advisers of the Lieutenant-Governor, the Executive Council, are to be gentlemen of sound principles, known and possessing the confidence and esteem of the people, whom they are sworn to serve as well as His Majesty, or to be persons unknown, unsworn and irresponsible, and consequently under no restraint or accountability for the advice they give, or means (honourable or dishonourable) they use to accomplish their ends?

If we have at the head of our local affairs, not a representative of the King, but a mere minister, culpable for all misdoings in our government, there is no reason why he should longer be held (as heretofore) above the law of the land. If, on the one hand, we ask for the beneficial operation of the Executive Council, the answer is, "I am only in the place of a minister, answerable for my own acts and those of my Council into the bargain." And when, on the other hand, you desire to proceed against him for any wrong, the character is shifted from a mere minister into a representative of the King, who can do no wrong, and is above all law. One day he is a minister in order to assume power and act wrongfully; another day he is the representative of the King, to oust the courts of justice of their jurisdiction; he assumes one character for *licence*, and another for *defence*.

Your Committee desire to remark, that our other institutions have often in times past been subjected, like the Executive Council, to similar attempts to cripple or abridge their constitutional rights and character. Your Honourable House was at one time denied the privilege which necessarily and constitutionally appertains to Parliament, viz., the right to inquire into public abuses; and they were not established on their present broad, firm and acknowledged basis, without appeals to England and litigation in our courts of law. During the ninth Parliament, occurred the arbitrary outrage upon the rights and property of Mr. Forsyth, by Governor Maitland, with military force, under the legal advice of the Attorney-General (since promoted to the Chief-Justiceship of this province), and supposed to have been under the advice of the then Executive Council. This flagrant wrong became the subject of inquiry before a Committee of your Honourable House; and Messrs. Givens and Coffin were attempted to be sustained by Governor Maitland in their refusal to obey a summons to give evidence; in fact they had his express orders not to attend. Thus, in illustration of the alleged sufficiency of Downing-street responsibility by Governors, it appears that an outrage is perpetrated first, and then Executive authority, influence and power exerted to prevent investigation. Nor was this all; for Sir P. Maitland further tried to poison what justice might be expected from His Majesty, by writing a secret calumniating despatch, giving a bad character to Mr. Forsyth, and traducing as factious the Assembly that interposed in his behalf. The ninth Parliament proceeded to the arrest and imprisonment of the refractory officials; and although Sir George Murray, then Principal Secretary of State for the Colonies, rebuked Sir P. Maitland for his long and artful despatch against our Parliamentary privileges, yet he was never disgraced or punished; and even in the tenth Parliament the Attorney-General (since Chief Justice of Newfoundland) reacted the same dispute of the privileges of the provincial Parliament; and it was not until the present Speaker of your Honourable House was prosecuted for his warrant, and that an adjudication of the Court of King's Bench, after elaborate argument, had placed the question out of the reach of further denial, that the right was acknowledged. When therefore it is considered with what trouble and vexation, and against what Executive influence and calumny the privileges of Parliament have been asserted and maintained, it is less surprising that the constitutional duties and functions of the Executive should factiously be denied. The privileges of Parliament were not more obvious and certain, or more important than the duties and functions of the Executive Council for the peace, welfare and good government of the country; and it only needs, on the part of the people and their representatives, the same firm and constitutional exertions to ensure the same success in the present all-important contest.

All which is respectfully submitted.

(signed) Peter Perry, Chairman.
T. D. Morrison.
John P. Roblin.
Hiram Norton.
Charles Duncombe.

Committee Room, House of Assembly, }
14 April 1836.

(Truly extracted.)

James Fitzgibbon,
Clerk of Assembly.

A P P E N D I X.

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- (B.) Reply thereto, 5th March 1836 - - - - - p. 49
- (C.) Robert Baldwin's Letter to Peter Perry, 16th March 1836, with Copies annexed of Note from Lieutenant-Governor to Robert Baldwin, 19th February, and latter's receipt thereof, 20th February - - - - - p. 52
- (D.) Address from Common Council to Lieutenant-Governor, and His Excellency's Reply thereto, p. 55
- (E.) Address from Public Meeting, Toronto, 25th March, and His Excellency's Reply - p. 56
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Appendix.

Representation of
Examining Council
to Lieut-Governor.

(A.)

TO His Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

Executive Council Chamber at Toronto,
Friday, 4 March 1836.

May it please Your Excellency,

THE Executive Council, impressed with the oath they have taken to discharge the duties necessarily resulting from their appointment "to advise the King and his representative in the government of this province," in the terms of the Constitutional Act, "upon the affairs of the province," deem it incumbent upon them most respectfully to submit the following representation:—

The Executive Council recognize the truth of the opinion expressed by Lord Glenelg, that "the present is an era of more difficulty and importance than any which has hitherto occurred in the history of this part of His Majesty's dominions." This unhappy condition they ascribe, in a very great degree, to the hitherto unconstitutional abridgement of the duties of the Executive Council. It appears from the proceedings of the House of Assembly and from the reiteration of established opinion in the country, that neither will public expectation be satisfied, nor contentment be restored, until the system of local government is altered and conducted according to the true spirit and meaning of the Constitutional Act. The delay of this just and indispensable course has already excited in the great mass of the people a lamentable jealousy and distrust, and has also induced the discussion of constitutional changes; the desire for which, unless speedily arrested, by affording the unrestricted operation of the 31st Geo. 3, c. 31, will not only become more fixed, but rapidly increase to a greater and irretrievable extent.

The policy and measures which have led to the present condition, seldom passed under the review of the Executive Council, or were submitted for their advice. Nevertheless, its members have been undeservedly subjected to the heaviest reproach throughout the country, from a prevalent belief that they have been called upon to fulfil the duty imposed upon them by the Constitution, as advisers upon public affairs. But amidst the obloquy thus thrown upon them, they have studiously avoided any attempt at exculpation, by disavowing in their defence any participation in the conduct of the affairs which they were erroneously supposed to have approved. The consequence of this silent endurance of political odium, has been the perpetuation of the misbelief that the Executive Council are conversant with the affairs of the province, upon which they are appointed to advise; and although an opposite practice has generally prevailed between former Lieutenant-Governors and their Council, yet it has ever been notoriously contrary to the state of things presumed by the community to exist.

Public opinion respecting the Executive Council and their duties, has been founded upon the terms of the 31st Geo. 3, c. 31, to which statute the people used to express a firm attachment; an attachment which the Council believe never would have been impaired had the Constitution been administered either according to its letter or its spirit.

In several clauses of 31 Geo. 3. c. 31. the Executive Council is mentioned in general terms. In the 34th clause the terms are, "together with such Executive Council as shall be appointed by His Majesty for the affairs of such province;" and not as it would otherwise have been expressed, "together with such Executive Council as shall be appointed by His Majesty for that purpose." In the 38th clause the terms are, "with the advice of such Executive Council as shall have been appointed by His Majesty, his heirs or successors, within such province, for the affairs thereof;" and not, as it would otherwise have been expressed, "with the advice of such Executive Council as shall have been appointed by His Majesty, his heirs or successors, within the province, for that purpose."

The same may be said of similar terms used in the latter part of the seventh clause.

With respect to which clauses it may be further remarked, that had it been contemplated that the Executive Council were to act only in the matters therein specified, the words "on the affairs of such province" might have been omitted, without in the least impairing the legal effect. In the construction, therefore, of this statute, the above expression cannot be treated as surplusage, but must be taken to impose the duty which it imports.

From the language of this statute, therefore, it appears,

First. That there is an Executive Council.

Second. That they are appointed by the King.

Third. That they are appointed to advise the King and his representative upon "the affairs of the province;" no particular affairs are specified; no limitation to any particular time or subject.

As the Constitutional Act prescribes to the Council the latitude of "the affairs of the province," it requires an equal authority of law to narrow those limits, or relieve the Council from a co-extensive duty.

Every representative of the King, upon arriving from England to assume the government of this country, is necessarily a stranger to it, and the law has provided for a local Council as a source of advice, which when given, is followed or not according to his discretion.

In certain cases specified in the 38th clause of the 31st Geo. 3. c. 31. the concurrence of the Council is required to give effect to certain Executive acts. But these exceptions prove

prove the general rule, viz., that while the advice is to be given upon the affairs of the province generally, it is only in the particular cases that it must harmonize with the pleasure of the Crown, to give that pleasure effect. Indeed, if the law could be construed to limit the advice to the particular cases, it would follow that the Council could not legally and constitutionally advise upon any others; a proposition which, besides its manifest repugnance to the terms of the Act, is contrary to received opinion and usage.

But while the Constitution has assigned to the Council this duty, it is only to a very subordinate and limited extent that they have heretofore had an opportunity afforded them to perform it. It is submitted, that the exigency of the statute can only be answered by allowing the affairs of the province to pass under their review for such advice as their consciences may suggest, preparatory to the final and discretionary action of the King's representative upon those affairs.

The Council meeting once a week upon land matters, while the affairs of the country are withheld from their consideration and advice, is as imperfect a fulfilment of the Constitutional Act as if the Provincial Parliament were summoned once a year, to meet the letter of the law, and immediately prorogued upon answering the speech from the throne. In both cases the true meaning and spirit of the Constitutional Act require, that the Parliament should have a general and practicable opportunity to legislate, and the Executive Council to advise, upon the affairs of the country. In the former case, the representative of the King can withhold the royal assent from Bills, and in the latter, reject the advice offered; but their respective proceedings cannot be constitutionally circumscribed or denied because they need the expression of the royal pleasure thereon for their consummation.

The extent and importance of the affairs of the country have necessarily increased with its population, wealth and commerce, and the Constitution has anticipated the difficulty, by a division of labour and responsibility from the active attention of the Executive Council to their duties. With the exception of those matters of so weighty or general a character as not properly to fall under any particular department, and therefore fitted for the deliberation of the Council collectively, it is recommended, that the affairs of the province be distributed into departments, to the heads of which shall be referred such matters as obviously appertain to them respectively. Upon this principle (recognised by the existing Constitution of this province and of the mother country) the people have long and anxiously sought for the administration of their government under the representative of the King; and the Council most respectfully, but at the same time earnestly represent, that public opinion upon the subject is so fixed, and becoming so impatient, as to preclude the possibility of denying or delaying the measure, without increasing public dissatisfaction, and leading to the final adoption of other views, as already too universally manifested, uncongenial to the genius of the Constitution, and most dangerous to the connexion with the parent State.

The remedy, it is feared, is now proposed too late for all the advantage desired; but the longer it is withheld, the more alienated and irreconcilable will the public mind become. The present comparative calm and thankfulness arise from a belief that the Council will second this exigency, in establishing a system of government according to the principles recognised by the Charter of the liberties of the country—an expectation which the Council are most anxious to realize.

Should such a course not be deemed wise or admissible by the Lieutenant-Governor, the Council most respectfully pray that they may be allowed to disabuse the public from a misapprehension of the nature and extent of the duties confided to them.

(signed)

*Peter Robinson.
George H. Markland.
Joseph Wells.
John H. Dunn.
Robert Baldwin.
John Rolph.*

(B.)

REPLY of His Excellency the Lieutenant-Governor to the Communication of the Executive Council.

THE Lieutenant-Governor transmits to the Executive Council the following observations in reply to the document which in Council they yesterday addressed to him:—

“The Constitution of a British Colony resembles, but is not identical with, the constitution of the mother country; for in England, besides the House of Commons, which represents the people, there exists a hereditary nobility, the honours and wealth of which, as well as the interests of the Established Church, are represented by a House of Lords, while the Sovereign (who by law can do no wrong) is surrounded by a Ministry upon whom devolves the entire responsibility of the measures they suggest, and who are consequently removable at pleasure. But in the colonial portion of the British Empire, which, however rising, is, generally speaking, thinly inhabited, the people are represented by their House of Assembly, which is gifted not only with the same command over the supplies as in England, but which possesses within the colony most of the powers of the British House of Commons. The Legislative Council is intended, as far as the circumstances of a young colony can permit, to resemble the British House of Lords; and if the Lieutenant-Governor

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of a colony stood in the place of the Sovereign, and if, like His Majesty, he could do no wrong, it would evidently be necessary that a ministry, executive council, or some other body of men, should be appointed, who might be responsible to the country for their conduct.

"This, however, is not the case; His Majesty delegates His sovereign protection of His colonies to no one; but he appoints a Lieutenant-Governor, who is responsible to Him for his behaviour, who is subject to impeachment for neglecting the interests of the people, and who is liable, like the English Ministry, to immediate removal; and the history of the British Colonies clearly shows, that there is no class or individual of His Majesty's subjects to whose representation, prayer or petition, the King is not most willing to attend.

"The Lieutenant-Governor is therefore the responsible minister of the colony; and as not only his character, but his continuance in office, depend on his attending to the real interests of the people, it would be evidently as unjust towards him that he should be liable to impeachment for any acts but his own, as it would be unjust towards the people that a responsibility so highly important to their interests should be intangible and divided. It is true, his knowledge of the country is not equal to that of many intelligent individuals within it; but in government, impartiality is better than knowledge; and it must be evident to every well-constituted mind, that in an infant state of society it would be impossible practically to secure a sufficient number of impartial persons to effect a change of ministry, as often as it might be necessary for the interests of the people to do so.

"This difference between the constitution of the mother country and that of its colony is highly advantageous to the latter; for, as in all small communities private interests and party feelings must unavoidably be conflicting, it is better, as well as safer, that the people should be enabled to appeal in person, or by petition, to the Lieutenant-Governor himself, whose duty it is to redress their complaints, and who is liable to dismissal if he neglects them, than that they should appeal to a series of provincial ministries, composed of various individuals.

"To enable the Lieutenant-Governor to perform the arduous duties of his office, the constitution has wisely provided him with an Executive Council, competent to supply him with that local knowledge in which he may be deficient, and to whom he may apply for counsel and advice.

"Before he entrusts himself to these gentlemen, they are, by order of His Majesty, required solemnly to swear, not only to give to the Lieutenant-Governor their best counsel and advice, but they are also sworn to secrecy.

"Their individual opinions can never be divulged, *even to the King*: and as a proof that His Majesty does not hold them responsible for the acts of his Lieutenant-Governor, they can retain, and often do retain, their office of sworn advisers, although Governor after Governor may have been dismissed.

"The advantage of such a Council to a Lieutenant-Governor is so self-evident, that he must be weak and self-sufficient indeed who does not continually have recourse to it; but although it strengthens his judgment and confers dignity on his proceedings, yet it in no way shields him from disgrace, should his acts be found contrary to the interests of the people. In such a case, it would be vain as well as unconstitutional for a Lieutenant-Governor to attempt to shield himself from responsibility by throwing it upon his Council; for by his oath he cannot even divulge which of his advisers may have misled him.

"Supposing, for instance, that with the concurrent advice of his Council, he was illegally to eject by military force an individual from his land, the Lieutenant-Governor would be liable to arraignment; and whether he had acted by the opinion of the law officers of the Crown, by the advice of his Council, by information derived from books, or from his own erring judgment, it has been wisely decreed that the injured subject should look to him, and him alone, for retribution, and that he, and he alone, is answerable to his Sovereign for the act of injustice which has been committed.

"Being therefore subject both to punishment and disgrace, it is absolutely necessary, as well as just, that the Lieutenant-Governor of a colony should have full liberty to act, (though at his peril,) in every case as he may think best for the interests of the people, according to the commands of His Majesty, and of His Majesty's Ministers.

"To consult his Council on the innumerable subjects upon which he has daily to decide, would be as utterly impossible as for any one but himself to decide upon what points his mind required or needed not the advice of his Council. Upon their sterling fund he must therefore constitutionally draw whenever embarrassment requires it; and on their part, if they faithfully honour his bills, [however often he may present them, they conscientiously fulfil to their Sovereign, to him, to their country, and to their oath, the important duty which they have sworn to perform.

"Having concluded the above outline of the relative responsibility of the Lieutenant-Governor and his Executive Council, as it regards His Majesty's colonies in general, it may be observed with respect to this province in particular, that when His Majesty, by conquest, first obtained possession of the Canadas, the government thereof devolved upon its military commander, until, by an Act passed in the 14th year of Geo. 3, a Council was appointed for the affairs of the province of Quebec, 'to consist of such persons resident therein (not exceeding 23, nor less than 17,) as his Majesty, his heirs and successors shall be pleased to appoint, which Council so appointed and nominated, or the major part thereof, shall have power and authority to make ordinances for the peace, welfare and good government of the said province, *with the consent of his Majesty's Governors.*'

"This

"This power of the Council was further restricted by certain important limitations, specified in clauses 13, 14, 15, 16 and 17 of the said Act; however, in the year 1791, a new Act was passed, commonly called 'the Constitutional Act,' because it settled the constitution of the Canadas, which were then divided into the Upper and Lower Provinces.

"By this Act, the military domination of the General and his Council was changed for a new and better system; and as evidently both could not exist together, the very first clause in the Act declared, "That so much of the late Act 14 Geo. 3 as in any manner relates to the appointment of a council for the affairs of the said province of Quebec, or to the power given by the said Act to the said Council, or to the major part of them, to make ordinances for the peace, welfare and good government of the said province, with the consent of his Majesty's Governor, Lieutenant-Governor, or Commander-in-Chief for the time being, shall be and *the same is repealed.*"

"The Act then proceeds to state, that there shall be within each of the said provinces respectively a Legislative Council and an Assembly, the duties and privileges of which are minutely declared in 33 consecutive clauses; but in no part of the said Act was an Executive Council directly or indirectly created. Nevertheless a vestige of the ancient one was, for the purpose of a court of appeal [*Vide* Clause 34], recognised, with an expression which seemed to intimate that an efficient Executive Council would very shortly be created.

"For instance, in section 38 the Governor is, by authority of His Majesty's Government, and with the advice of the Executive Council, 'empowered to erect parsonages and rectories;' but in section 39 no mention whatever is made of the Executive Council, but, on the contrary, it is declared, that the Governor or Lieutenant-Governor, or person administering the government, should present the incumbent 'to every such parsonage or rectory.'

"In the 50 clauses of the Act in question, the Executive Council which, in section 34, is merely described as 'such Executive Council as *shall be* appointed by His Majesty,' is scarcely mentioned, and, as regards even its existence, the most liberal construction which can possibly be put upon the said Act only amounts to this: that as an Executive Council was evidently intended to exist, the remnant of the old one ought not to be deemed totally extinct until its successor was appointed."

"However, this latent intention of His Majesty to create a Council for each of the provinces of His Canadian dominions, was soon clearly divulged in a most important document, commonly called '*The King's Instructions*,' in which an Executive Council was regularly constituted and declared, as follows: 'Whereas We have thought fit that there should be an Executive Council for assisting you, or the Lieutenant-Governor, or persons administering the government of the said province of Upper Canada for the time being, We do, by these presents, appoint the undermentioned persons,' &c. &c.

"In subsequent clauses it was equally precisely defined upon what affairs of the province the Lieutenant-Governor was to act '*with the advice of the Executive Council*;' but with the view distinctly to prevent the new Council being what the old one had been (which indeed under the new constitution was utterly impossible), in short, to set that question at rest for ever, it was declared in section 8, 'that to the end that our said Executive Council may be assisting to you in all affairs relating to our service, you are to communicate to them *such and so many* of our instructions *wherein their advice is mentioned to be requisite*, and likewise all such others from time to time as you *shall find convenient* for our service *to be imparted to them.*'

"The Lieutenant-Governor having now transmitted to the Executive Council his opinion of their duties, in contra-distinction to that contained in their communication to him of yesterday's date, will not express the feelings of regret with which, under a heavy pressure of business, he unexpectedly received a document of so unusual a nature, from gentlemen upon whom he had only recently placed his implicit and unqualified reliance.

"But he feels it incumbent upon him frankly and explicitly to state, that to the opinions they have expressed he can never subscribe. On the contrary, that so long as he shall continue to be Lieutenant-Governor of this province, he will never allow his Executive Council officially to assume that heavy responsibility which he owes to his Sovereign, as well as to the people of this province, to whom he has solemnly pledged himself *to maintain the happy constitution of this country inviolate, but cautiously, yet effectually, to correct all real grievances.*

"The Lieutenant-Governor maintains, that the responsibility to the people of this province, (who are already represented by their House of Assembly) which the Council assume is unconstitutional, that it is the duty of the Council to serve *him*, not *them*; and that if upon so vital a principle they persist in a contrary opinion, he foresees embarrassments of a most serious nature; for as power and responsibility must in common justice be inseparably connected with each other; it is evident to the Lieutenant-Governor that if the Council were once to be permitted to assume the *latter*, they would immediately, as their right, demand the *former*, in which case, if the interests of the people should be neglected, to whom could they look for redress? For in the confusion between the Governor and an oligarchy composed of a few dominant families, shielded by secrecy, would not all tangible responsibility have vanished?

"The Council cannot have forgotten, that previous to their first meeting in the Council Chamber, which happened only a few weeks ago, the Lieutenant-Governor had assured them

Appendix.

Reply to Representation of Executive Council.

them in a note (which was even publicly read in the House of Assembly), that although he had no preliminary conditions to accede to or require, it was his intention to treat them with implicit confidence; and the Council must also remember how willingly they approved of the very first suggestion he made to them, namely, that no important business should be commenced in Council until they, as well as the Lieutenant-Governor himself, had become mutually acquainted with their respective duties.

"The Lieutenant-Governor assures the Council, that his estimation of their talents and integrity, as well as his personal regard for them, remain unshaken, and that he is not insensible of the difficulties to which he will be exposed, should they deem it necessary to leave him. At the same time should they be of opinion that the oath they have taken requires them to retire from his confidence, rather than from the principles they have avowed, he begs that on his account, they will not for a moment hesitate to do so.

"Government House, }
Toronto, March 5, 1836. }

"F. B. Head."

(C.)

Letter from Robert Baldwin, Esq. to Peter Perry, Esq.

Dear Sir,

Front Street, 16 March 1836.

MYSELF and my colleagues having felt it our duty to tender our resignations, and the Lieutenant-Governor having been pleased to accept them, I waited on his Excellency to request his permission to make public, in the usual parliamentary way, the steps which led to the formation of his Excellency's late Cabinet, and the circumstances which occasioned its dissolution; to which his Excellency, in the handsomest manner, frankly accepted, most graciously assuring me that his confidence in me personally was such, that he presented me with a *charte blanche* to sate the whole, from the commencement of the negotiations to the acceptance of our resignations.

None of the members of the late provincial administration having the honour of a seat in the Commons, I know of no way in which such information can be more respectfully communicated, than in a letter addressed to you, for the purpose of being read in your place, or of the House being put in possession of its contents in whatever other way your more intimate acquaintance with parliamentary forms may suggest.

I therefore beg leave to state, that his Excellency, having done me the honour to send for me, explained the position in which he found himself placed on assuming the government of the province, and declaring himself most anxious to do the best he could to insure to the province good and cheap government, expressed himself most desirous that I would afford him my assistance by joining his Executive Council, assuring me that in the event of my acceding to his proposal, I should enjoy his full and entire confidence.

I informed his Excellency of my extreme reluctance to again embark in public life, and proceeded to state that, notwithstanding such reluctance, and reserving to myself the option of declining to accept the seat which his Excellency had tendered to me on private grounds merely, I yet felt that as his Excellency had done me the honour of sending for me, I would not be performing my duty to my Sovereign or the country, if I did not, with his Excellency's permission, explain fully to his Excellency my views of the constitution of the province, and the change necessary in the practical administration of it; particularly as I considered the delay in adopting this change as the great and all-absorbing grievance, before which all others, in my mind, sunk into insignificance; and the remedy of which would most effectually lead, and that in a constitutional way, to the redress of every other real grievance, and the finally putting an end to all clamour about imaginary ones; and that these desirable objects would thus be accomplished without in the least entrenching upon the just and necessary prerogatives of the Crown, which I considered, when administered by the Lieutenant-Governor through the medium of a provincial ministry, responsible to the provincial Parliament, to be an essential part of the constitution of the province. That these opinions were not hastily formed, that they were, on the contrary, those which I had imbibed from my father, who, though now for some years, as well as myself, unconnected with public life, had formerly held a much more distinguished position in the politics of the country than I could pretend to, and that they were opinions which the experience of every year had more and more strengthened and confirmed; that I felt convinced that the prompt adoption of those views was the only means of consolidating the connexion with the Mother Country, to the preservation of which no one was more devotedly attached or ready to make greater sacrifices than myself. That they were nothing more than the principles of the British constitution applied to that of this province, and which I conceived necessarily to belong as much to the one as the other. That the call for an Elective Legislative Council, which had been already formally made from Lower Canada, and had been taken up, and appeared likely to be responded to in this province, was as distasteful to me as it could be to any one; as all that to me appeared necessary or desirable, was the constitution as it stood, fully and fairly acted upon. And that I was convinced that had such a course been adopted some years ago, we should not now have had the public discussing the expediency of an alteration in the constitution by the introduction of a provision for an Elective Legislative Council. That I feared it might not be too late; but as I was not sufficiently aware of the exact state of the question to speak decidedly, I sincerely hoped that by the prompt adoption of a responsible provincial administration, under the King's representative, the question might even yet be set at rest; and in reply to an objection of his Excellency, that the adoption of such a course would be placing the Lieutenant-Governor in a position similar to that of the King, which was inconsistent with
the

the fact of his responsibility, I explained, that as far as regarded the internal affairs of the province, the Lieutenant-Governor was, in point of fact, as far as this province and its Parliament were concerned, as completely irresponsible as the King himself; as there certainly neither existed, nor, in my opinion, ought to exist, any legal or constitutional means of calling him to account in this country for any act of his government. That his responsibility was to the King and Parliament of the Empire; and was perfectly proper and necessary for the preservation of the paramount authority of the Mother Country, and the protection of her interests in matters properly and constitutionally belonging to the exercise of that authority. But that what the constitution required was, that there should be persons within this country itself who could be made responsible to the provincial Parliament here for the administration of the internal affairs of the province.

To another objection of his Excellency, that the adoption of my views would deprive the Lieutenant-Governor of all power, and convert him into a cipher, I distinctly denied any such as a consequence of my principles; as I fully admitted the Lieutenant-Governor to be constitutionally clothed, as the royal representative, with the same powers within the province, with respect to its internal affairs, as those possessed by the King himself with respect to the affairs of the Empire at large, which appeared to me to be all that he could desire, and at all events all that the constitution had given him. That he had always the same constitutional right to accept or reject the advice of any of his Executive Councillors, and that, as in England, the only alternative for them was to resign, when they and the Lieutenant-Governor differed on any point which they conceived of sufficient importance to call for such a step; in which event the Lieutenant-Governor was perfectly free to call to his Council whom he pleased.

His Excellency very candidly declared his entire dissent from such views and opinions; he nevertheless, with the most gracious expression of satisfaction at the very full and candid manner in which I had opened them to him; renewed his solicitation for my acceptance of a seat in the Executive Council, suggesting, as an inducement for such acceptance, the increased facilities which, by my place in the Executive Council, would be afforded towards the more efficiently representing and urging my views. His Excellency declaring that his doors should at all times be open to me, and that he should be most happy to listen and give his most serious consideration to any subject which I might at any time think it important to lay before him, his Excellency always reserving the right to decide for himself; his Excellency at the same time remarking, that he had no objection to the Council, each continuing to entertain and urge his individual opinions, as the opinions of one would be neutralised by those of another.

I then informed his Excellency, that upon the principles which I had opened to him there were two grounds upon which I could not consistently comply with his Excellency's wishes; first, that no provincial administration would, in my opinion, be capable of affording his Excellency that assistance and support which his government would require, unless sufficiently possessed of the confidence of the provincial Parliament to insure majorities in it; and that I did not feel that that confidence could be obtained without further assistance: and, secondly, that although in private life I was on perfectly good terms with all the gentlemen who then composed his Excellency's Executive Council, and on most friendly terms with one of them, yet that, as public men, I had in them no confidence whatever, and had formerly, when in public life, denounced them, and those with whom they acted, as politically unworthy of the confidence of the country; and therefore that I felt that I could not take office with them.

At length, after a consultation, held, by his Excellency's permission, with Dr. Rolph and my father, I finally, on the two grounds above mentioned, declined to accept a seat in the Executive Council.

It is proper that I should here remark, that though these principles were fully opened to his Excellency at my first interview, some parts of the conversations above adverted to (though I believe none that could be considered essential to the full exposition of the principles themselves), passed during the subsequent interviews which I had the honour of having with the Lieutenant-Governor in the course of the negotiation.

Having been subsequently again sent for by his Excellency, and requested to state more explicitly what the assistance was to which I had before alluded, I replied, that I considered the assistance of Dr. Rolph, Mr. Bidwell, my father and Mr. Dunn, in the Executive Council most desirable, and that of Dr. Rolph as absolutely necessary, to insure that public confidence in his Excellency's government, without which I was convinced his Excellency, with the best intentions in the world, would fail to accomplish those desirable objects which he had in view.

His Excellency, after an interview which he informed me he had had with Mr. Bidwell, again opened the negotiation by a renewed tender of a seat in the Executive Council, giving me at the same time to understand, that, if accepted, he was prepared to afford me the assistance of Dr. Rolph and Mr. Dunn, should these gentlemen have no objection to join me.

Upon this, with his Excellency's permission, I again consulted with Dr. Rolph, Mr. Bidwell, and my father, and I feel it due to the two latter to take this opportunity of stating, that I received the fullest assurance of their most cordial support to a cabinet composed of Dr. Rolph, Mr. Dunn and myself, and the expression of their opinions that, in the present conjuncture of public affairs, their being taken into the cabinet ought not to be further urged; which disinterested course on their part, so consistent with the position which they hold in the public confidence, the country, I am persuaded, cannot fail to appreciate.

Appendix.

Letter from Robert
Baldwin Esq. to
Peter Perry, Esq.,

ciate. This renewal of the negotiation was, however, ultimately closed by my again finally declining to accept office, in consequence of his Excellency not feeling himself justified in consenting to the removal of those gentlemen who were already in the Council.

Upon this, his Excellency sent for my father, to whom he made a similar tender of a seat in the Executive Council, and his fullest confidence in the event of his accepting it; and I am authorized to say, that Dr. Baldwin, on that occasion, informed his Excellency, that his views and principles were similar to those which had been already fully laid before his Excellency by me; and that he felt it impossible to take office in conjunction with the three gentlemen who then formed his Excellency's Executive Council.

His Excellency then sent for Dr. Rolph, to whom he made a similar tender of his confidence. Dr. Rolph having obtained his Excellency's permission to consult Mr. Bidwell, Mr. Dunn, my father and myself, it was in the course of that consultation pressed upon me, that as the principle of responsibility, although long before the public, had never yet been practically acted upon, and that taking it for granted (as it was but justice to his Excellency to do) that his Excellency, although mistaken in his views of the constitution of the country, might yet be sincerely desirous of governing according to that constitution, and that in that case all that would be found necessary was to convince him that the views and principles which I had opened to him were just and constitutional to insure their adoption, or the procurement of his Excellency's influence to obtain their adoption; and that, notwithstanding what his Excellency had said with respect to the opinions of one member of the Council being neutralized by those of another, which appeared to arise more from a want of sufficient practical acquaintance with the working of the political machinery of government, which time and experience would necessarily correct, than from any other cause; it would perhaps not be performing our duty to his Excellency, or the country, were we, after his having gone thus far to meet our views, peremptorily to refuse all concession on our part. To this reasoning having given a most reluctant consent, I empowered Dr. Rolph, in accordance with the course deemed by him most respectful to his Excellency, to state to the Lieutenant-Governor that I was willing, with his Excellency's permission, to re-consider his Excellency's proposal, and to consider the negotiation re-opened, upon the footing on which it stood previous to its having been last closed with me; to which his Excellency having at once acceded, and the negotiation having been thus re-opened, after some further consultation upon the subject with Mr. Dunn, his Excellency was finally informed, that Mr. Dunn, Dr. Rolph and myself had, though reluctantly, consented, in compliance with his Excellency's wishes, and as a mere experiment, and one which we feared would fail, to accept seats in his Excellency's Executive Council, without the retirement of the three gentlemen who were already members of it.

Afterwards, on our all waiting on his Excellency, previous to our being sworn, I pointed out and insisted upon the necessity, that, lest compromise of principle might be imputed to us, in consequence of the course we had taken, which in the public eye must necessarily appear equivocal, some announcement should be made of the unfettered terms upon which his Excellency was pleased to receive us into his confidence, which, at his Excellency's suggestion, was finally arranged to be in the shape of a note to that effect, to be addressed to me (as the person first sent for) by his Excellency, and of which I was to be at liberty to make any use that I might deem necessary or proper, which note was, at my request, in accordance with the gracious permission which I had received, read publicly by a member of each House of Parliament in his place, this being the only manner in which it appeared to me the information which it was necessary that the public should be in possession of could be communicated consistently with the respect due to a communication from the representative of the King.

Copies of this note, and of my acknowledgment of the receipt of it, I subjoin.

These negotiations, partly retarded by my absence in the country, were in progress from the 8th until the 20th ultimo, on which day we were sworn into office.

Having thus explained the circumstances which led to our appointment, I have only to add with respect to our retirement from office, that the principles, the facts, and the views which were afterwards embodied in the formal representation of the Executive Council, were (at least ten days before being thus formally presented to his Excellency) at very considerable length amicably discussed between the members of the Executive Council and his Excellency, and afterwards continued the subject of deliberate consideration among the members themselves for another week, when, on the 4th of this month, the formal representation alluded to was unanimously adopted and presented to his Excellency, with respect to which I shall only add, that the course of local Government, and the reasons for it set forth in the representation from the Council, were thus officially suggested to the more formal consideration of his Excellency, from a solemn conviction that it was the only system which would operate "for the good of the King and of this province, and for the peace, rest, and tranquillity of the same."

To this representation the Executive Council, on the following Thursday, being the next regular Council day, received his Excellency's reply.

In this reply his Excellency having intimated his wish "that should the Executive Council be of opinion that the oath which they had taken required them to retire from his Excellency's confidence, rather than from the principles they had avowed, they would not on his account for a moment hesitate to do so," the members of the Council, on Saturday last, waited on his Excellency, and tendered their resignations, which his Excellency was graciously pleased to accept, with respect to which I would here take the liberty of remarking, that, having in the representation alluded to, but reiterated in a more formal manner,

in conjunction with my colleagues under the sanction of the oath which I had in the meantime taken, the same principles and opinions which his Excellency knew me to entertain previous to his honouring me with a seat in his Council, however desirous I might be of giving my best support to his Excellency's Government, or of not hastily abandoning the important duties of my situation, which had been most unwillingly assumed, I could not for a moment hesitate, when the alternative presented to me was the abandonment either of my principles or my place.

Appendix.

Letter from
R. Baldwin, Esq. to
Peter Perry, Esq.

I have the honour to be, dear Sir,

Your most obedient, humble servant,

Peter Perry, Esq., M.P.

(signed) Robert Baldwin.

Dear Sir,

Government House, Feb. 19, 1836.

I HAVE great pleasure in learning that you, Dr. Rolph and Mr. Dunn accept the invitation I have made to you by joining the Executive Council.

The confidence I shall repose in you will be implicit; and as I have no preliminary conditions either to accede to or require from you, I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it.

I remain, dear Sir, your's faithfully,

R. Baldwin, Esq.

(signed) F. B. Head.

MR. ROBERT BALDWIN has the honour to acknowledge the receipt of his Excellency's the Lieut.-Governor's note of the 19th inst., and will transmit a copy to Mr. Dunn and Dr. Rolph without delay.

Front Street, 20 Feb. 1836.

(D.)

ADDRESS of the COMMON COUNCIL of the City of Toronto.

To His Excellency Sir Francis Bond Head, K.C.H., &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Mayor, Aldermen and Commonalty of the city of Toronto, most respectfully beg leave to state, that at the present most difficult and important era in the history of this province, when this council had fondly hoped that the appointment of your Excellency to the government of this country, with the accession to the Executive Council appointed for the affairs thereof of gentlemen of integrity and talent, known to possess liberal constitutional principles, would have secured to its inhabitants that wise, just and liberal policy so imperiously demanded, to strengthen the bonds of union between the Mother Country and this colony; this council have with extreme regret and surprise witnessed their just anticipation destroyed by the dissolution of the late Executive Council, and the appointment of another in their stead, composed of gentlemen who, however worthy in their individual private capacity, are incapable, from their well-known political views, of giving satisfaction to the people, and that this council, as the representatives of the inhabitants of the capital of Upper Canada (from this as well as other causes not necessary to be here explained on account of their general notoriety) have no confidence whatever in the present provincial administration, not deeming them competent to advise with the representative of our most gracious Sovereign upon the peace, welfare and prosperity of the province.

Address from
Common Council
to Lieut.-Governor.

We therefore most humbly pray your Excellency to be pleased to dismiss your present advisers, and call to your Council gentlemen possessing the public confidence, as the only measure in the opinion of this Council calculated to insure the tranquillity of the province at the present crisis.

HIS EXCELLENCY'S REPLY.

Mr. Mayor and Gentlemen:—The particular interest which I take in the welfare of this capital, of which I am myself an inhabitant, induces me to reply at some length to the Address I have just received from you, in which you state,

Reply of
Lieut.-Governor to
Common Council.

1st. That you have no confidence in what you term "the present provincial administration; and,

2dly. That you beg leave to name for me other individuals for that station.

With respect to a "provincial administration," although no such power exists in this or any other colony of the British Empire, I may remark, that very shortly after the late addition to the Executive Council, I observed that great efforts were making to delude and persuade the public mind that the new Council were entitled to claim the responsibility, power and patronage of the Lieutenant-Governor, and that such an arrangement would be highly advantageous to the people.

Finding that this new theory was rapidly gaining ground, I resolved to offer it no secret opposition, nor in any way to exert my influence to oppose it; but I determined the very

Appendix.

Reply of
Lieut.-Governor to
Common Council.

first time it should come well within my reach, that I would drag it into daylight, in order that it might be openly, fairly and constitutionally discussed.

From several places I subsequently received Addresses on the subject, which I did not deem it advisable to notice. but to my astonishment there suddenly appeared from a quarter from which I certainly least expected it, namely, from the Executive Council itself, a document (a copy of which had been inscribed in the minutes of the Executive Council, signed by all the six Councillors) openly declaring, that what had secretly been promulgated respecting the powers of the Executive Council, was actually the law of the land!

The question being fairly before me, I deliberately opposed it, accepted the resignation of the six Councillors, and, at the request of the Assembly, I laid before that House the communication I had received from the Council, with my reply.

The subject was thus formally brought before the public; and having performed this duty, I felt comparatively indifferent as to the result; for if the power and patronage of this province, which have hitherto been invested in the Lieut.-Governor, really belong to his Council, I consider that without reluctance they ought at once to be delivered up, and secured to them.

The House of Assembly, however, cannot alter the Constitutional Act of this province, neither can I; and as regards popular meetings, I need hardly observe, that if the inhabitants of the whole province were simultaneously to petition me to alter a single letter of that solemn Act, I have neither power nor inclination to do so.

If it should prove that the practice which has hitherto been pursued is erroneous, I will not for a moment hesitate to acknowledge it; and in that case I should feel it my duty at once to recall to my Council the six members who have resigned; but I cannot be blind to the fact, that the Constitutional Act, which is open to every body, does not create any Executive Council at all.

The members of the late council rest their claims very nearly on the following grounds:—

1st. That the responsibility they assume, being a popular opinion daily increasing, is consequently the law of the land; and,

2d. That though the powers they acquire are no where expressed in the Constitutional Act, they were evidently intended to have been inserted.

I conceive that these arguments do not even require to be refuted; and, with respect to what General Simcoe, or any other Governor, may have asserted, I must also be permitted to assert, that the rights, liberties and property of the inhabitants of this province would be insecure indeed if they rested on any such declarations.

The constitution of this province is the sacred charter of the land; and it is no less my duty, than the interests of its inhabitants, that I should firmly maintain it, as I ever will, inviolate.

If that charter constitutes a "Provincial Ministry," it need only be shown to me to be secured; but I deliberately repeat, that it contains the creation of no such a power, and in my opinion, were it now to be created, it would be productive of the most vicious effects; for, if the power and patronage of the Crown were to be delivered over to a tribunal sworn to secrecy, they would very soon fall into the hands of a few metropolitan families, who might possibly promote their own views, to the rejection of the interests of the distant counties; whereas, while these powers continue invested in the individual appointed by His Majesty to be the Lieutenant Governor of this province, he (being a stranger) can have neither interest nor inducement to abuse them.

No one can be more anxious than I am that this plain constitutional question should be gravely and calmly discussed, for it will be impossible for me to attempt to correct the grievances of the country, until I can prevail upon the legislature to follow me cheerfully in the noble object we have in view; and I certainly do feel most deeply, that, for the sake of the people, those who are invested with power ought manfully to determine to lay aside all private feelings—to forgive and forget all political animosity, and to allow His Majesty's wishes and my instructions to be promptly executed.

With respect to the want of confidence you express in the Council I have just selected, I will only observe, that in my judgment they appear to be sensible steady men of business, of high moral worth; and I cannot but recollect that one of these gentlemen was, only a few weeks ago, actually the mayor of your own city, selected by yourselves as being peculiarly entitled to that public confidence which you now declare is denied to him.

With this moral before your minds, you surely cannot but admit, what a political tempest would continually exist, how the interests of the farmer would be blighted, were the power and patronage of this thinly peopled province to be transferred from His Majesty's Lieutenant Governor into the hands of what you term a "Provincial Ministry" at Toronto.

(E.)

ADDRESS from a Public Meeting held in the City Hall.

To His Excellency Sir Francis Bond Head, K.C.H., &c. &c. &c.

Address from
Public Meeting to
Lieut.-Governor.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the inhabitants of the city of Toronto, assembled under the authority of the mayor of the city, beg respectfully to submit to your Excellency this our Address, containing the expression of our sentiments and feelings in
reference

reference to the late changes in the Executive Council, and of the opinions which have been expressed by your Excellency as to the nature of the constitution of this province.

Appendix.

That Colonel Simcoe, the first as well as the ablest and most enlightened Lieutenant-Governor of this province, who was a Member of the Parliament of Great Britain when the Statute 31 Geo. 3. chap. 31, commonly called the Constitutional Act, was passed, was the bearer of that Act to this Colony, and was authorized, undoubtedly, by His Majesty's Government to declare to His faithful subjects in this province, the nature of the Constitution then about to be put into operation for their benefit, and who assured the people of this province from the throne, on the opening of the first Session of the Provincial Parliament, that the said Act had "established the *British Constitution*, and all the forms which secure and maintain it in this distant country," and "that the wisdom and beneficence of our most gracious Sovereign and the British Parliament has been eminently proved, not only in imparting to us the same form of government, but also in securing the benefits of it by the many provisions that guard that memorable Act; so that the blessings of an invaluable constitution thus protected and amplified, they might hope would be extended to the remotest posterity;" and that the same Governor, upon closing that Session, especially enjoined upon the members of the Legislature from the throne to explain to the people of the country, "that this province was singularly blest, not with a mutilated Constitution, but with a Constitution which has stood the test of experience, and was the very image and transcript of that of Great Britain."

Address from Public Meeting to Lieut.-Governor.

That it is an essential and inalienable feature of the British Constitution thus assured to us, that the King shall be assisted in all the affairs of government by the advice of known and responsible councillors and officers who possess the confidence of the people, and of the majority of their representatives, and that our fellow subjects in the United Kingdom would indignantly resent any attempt to deprive them of this part of their constitution, as an infringement upon their most sacred rights and liberties, and a step taken to degrade them to the condition of slaves.

That the recent appointment by your Excellency of the Honourable John Rolph, Robert Baldwin and John Henry Dunn as Executive Councillors, gave universal gladness and satisfaction throughout the province, those gentlemen having been long known, beloved and respected for the talents, acquirements and virtues which adorn their characters, the liberal and patriotic principles that they entertain, and the important services which they have respectively rendered to the people of this province, and that the selection of them by your Excellency, as your advisers, disposed His Majesty's subjects to hope that a new and happy era had at length arrived in the history of this province.

That we have learned with surprise and sorrow, that those gentlemen, together with the former members of your Excellency's Council, have found themselves under the necessity of resigning their seats; and that your Excellency appears to us to have taken offence for no other reason than the respectful expression of an opinion in favour of the government being conducted on the acknowledged principles of the British Constitution; an opinion supported by unanswerable arguments, and which they were bound by every obligation of honour and duty, as faithful Councillors, to express to your Excellency.

That our most sincere respect and gratitude are due to those gentlemen and their late colleagues in your Excellency's Council, for the noble efforts which they made in the honourable and upright discharge of their duties, to secure to the people of this province the practical benefit and faithful application of constitutional principles of the highest importance to their liberty and prosperity; and that we are solemnly called upon at such a crisis to declare our firm and unalterable determination to resist every attempt to *mutilate* and deform our constitution by the denial of those principles, or the refusal of the full benefit and practical operation of them, and that the people of this province will never, in our humble opinion, be content with a system that is only a mockery of a free and *responsible* government.

That we feel it our bounden duty to declare to your Excellency, that the gentlemen whom your Excellency has called to your Council, since the resignation of your late Council, do not in any degree possess the confidence of the people of Upper Canada.

We further humbly express our disappointment and regret at the remarks which your Excellency has, by evil and unknown advisers, been induced to animadvert upon the circumstances under which your Excellency caused your late Council to resign; and that respect which it is equally our duty and inclination to pay to the representative of our most gracious Sovereign, forbids our declaring on this painful occasion any other feeling than that of an earnest hope that the persons, whoever they may be, who have been guilty of such an abuse of your Excellency's confidence, may be for ever discarded by your Excellency.

In conclusion, we beg leave to state to your Excellency, that, as subjects of the British Empire, we claim all the rights and privileges of the British Constitution; and, as subjects of a British colony possessing the powers of self-government, given to it by the parent State, we claim our right that the Representative of the Crown shall be advised in all our affairs by men known to, and possessing the confidence of the people; and, as the true friends of His Majesty's Government, and to the permanency of our connexion with the parent state, we earnestly entreat your Excellency to regard our opinions and remonstrances (firmly, though we hope respectfully, expressed), and to adopt measures to calm the present extraordinary state of public excitement, aggravated by the high hopes created in the public mind by the removal of Sir John Colborne, and the appointment of your Excellency to the head of the administration.

By order of the Meeting,

(signed.)

T. D. Morrison, Mayor.

Chairman.

James Lesslie, Secretary.

Toronto, March 25, 1836.

Appendix.

HIS EXCELLENCY'S REPLY.

His Excellency's
Reply to Address
from Public
Meeting, Toronto.

GENTLEMEN,—Having reason to believe that the Meeting from which you are deputed, was composed principally of the industrious classes, and being persuaded that the liberal principle of the British Government, in whatever climate it may exist, is the welfare and happiness of the people, I shall make it my duty to reply to your Address with as much attention as if it had proceeded from either of the branches of the Legislature, although I shall express myself in plainer and more homely language.

1st. I have no wish to deny "that Colonel Simcoe was the first as well as the ablest and most enlightened Governor of this province; that he was a Member of Parliament when the Statute 31st Geo. 3, chap. 31, commonly called the Constitutional Act, was passed; and that he was the bearer of that Act to this colony." But I ask you, Can this possibly alter the solemn Act itself? for surely your own plain good sense will tell you, that Colonel Simcoe had no more power, either during his voyage or on his arrival here, to alter the charter committed to his charge, than I had power to alter the instructions which I lately delivered from His Majesty to both Houses of your Legislature; and so, if Colonel Simcoe, instead of saying that the constitution of this province "was the very image and transcript of that of Great Britain," had thought proper to compare it to the arbitrary governments of Russia or Constantinople, it would in no way have injured your liberties, or have altered one single letter of the written charter of your land.

2d. I have no wish to deny "that in the British constitution the King is assisted in all the affairs of government by the advice of known and responsible Councillors, and officers who possess the confidence of the people," and who form His Majesty's Cabinet; but Colonel Simcoe, who yourselves state "was authorized undoubtedly by His Majesty's Government to declare to His faithful subjects in this province the nature of the constitution," created no such Cabinet, nor any cabinet at all; and from his day down to the present hour there has never existed any ministry in the colony, except the Governor, who is himself the responsible minister of the Crown.

Supposing it were to be argued that four-fifths of the members of your House of Assembly ought immediately to be dismissed, because, in proportion to the population of Great Britain and Ireland, there exists five times as many members here as in the English House of Commons, would you not think it very irrational that this noble but thinly-peopled colony should be made "the exact image and transcript" of the British constitution merely because Colonel Simcoe happened to use these words? Would you not immediately appeal to your Constitutional Act on the subject?

Would you deem it just that a young rising province like this should be afflicted with the same expensive machinery requisite for the government of the Mother Country, 4,000 miles off?

Would you not very fairly argue, that as the whole population of this immense country exceeds only by one-third that of the single parish of St. Mary-le-bone in London, and as the whole of its revenue does not equal the private fortune of many an English commoner, it would be unreasonable to expect that the people of this province should be ruined in vainly attempting to be the "exact image and transcript" of the British Constitution?

But the Constitution which His Britannic Majesty George the Third granted to this province, ordained no such absurdities; and you have only to read that Constitution, to see quite clearly the truth of this assertion.

The yeomen and industrious classes of Upper Canada should never allow a single letter to be subtracted from or added to this great charter of their liberties; for if once they permit it to be mutilated, or what may be termed improved, they and their children become instantly liable to find themselves suddenly deprived of their property, and, what is better than all property, of their freedom and independence.

By this Act, you are of course aware that a House of Assembly, a Legislative Council, and a Lieutenant Governor are appointed; but it creates no Executive Council; and if people tell you that it does, read the Act, and you will see the contrary.

Now as regards the House of Assembly, you must know, that being your representatives, they are of course answerable to you for their conduct; and as regards the Lieutenant-Governor, I publicly declare to you, that I am liable to dismissal in case I should neglect your interests.

But, contrary to the practice which has existed in this or in any other British colony, contrary to Colonel Simcoe's practice, or to the practice of any other Lieutenant-Governor who has ever been stationed in this province, it has suddenly been demanded of me, that the Executive Council are to be responsible for my acts; and because I have refused, at a moment's warning, to surrender that responsibility which I owe to the people, whose real interests I will never abandon, I find that every possible political effort is now making to blind the public mind, and to irritate its most violent passions.

But I calmly ask, what can be the secret reason of all this? Is it usual for one person to insist on bearing another person's blame? or for a body of men to insist on receiving the punishment incurred by an individual superior to them in station? Why, therefore, should my Council, whose valuable advice, if it were not to be forced upon me, I should be most anxious to receive, be required to demand from me my responsibility? What reason can exist for attempting to deprive me of the only consolation which supports any honest man in an arduous duty, namely, the reflection that he is ready to atone for every error he commits, and that he is subject to arraignment if he offends? Why should it be declared that responsibility would be more perfect with my Council than with me? Are they purer
from

from party feelings, or less entangled with their family connexions than I am? How can gentlemen who have sworn to be dumb, be responsible to the yeomanry and people of this rising province? How could they possibly undertake to administer this government with mouths sealed by an oath which forbids them to disclose to any one the valuable advice they may conscientiously impart to me?

The answer to these questions is very short. The political party which demand responsibility for my Council know perfectly well that the power and patronage of the Crown are attached to it; and it is too evident, that if they could but obtain this marrow, the empty bone of contention, namely, responsibility to the people, they would soon be too happy to throw away; and from that fatal moment would all those who nobly appreciate liberty, who have property to lose, and who have children to think of, deeply lament that they had listened to sophistry, had been frightened by clamour, and had deserted the representative of our gracious Sovereign, to seek British justice from his mute, but confidential advisers. This supposition, however, I will not permit to be realized; for never will I surrender the serious responsibility I owe to the people of this province: and I have that reliance in their honesty—I have lived so intimately with the yeomanry and industrious classes of our revered Mother Country, that I well know, the more I am assailed by faction, the stronger will be their loyal support; and that if intimidation be continued, it will soon be made to recoil upon those who shall presume to have recourse to it.

The grievances of this province *must* be corrected—impartial justice *must* be administered; the people have asked for it: their Sovereign has ordained it. I am here to execute His gracious commands; delay will only increase impatience. Those, however, who have long lived upon agitation, already too clearly see their danger; and with surprising alacrity they are now taking every possible measure to prevent me from rooting up the tree of abuse, because they have built and feathered thri nests in its branches. They asked, however, for the operation, and to amputation they must very shortly submit; for “what’s worth doing, should always be done well.”

I have come here for the avowed purpose of reform, but I am not an agitator; and by command of our gracious Sovereign, I will maintain the constitutional liberties of His subjects in this province, and at the same time encourage, to the utmost of my power, internal wealth, agriculture, commerce, peace and tranquillity.

With respect to my late Council, I regret, quite as much as you can do, their resignation; but before they took the oath of secrecy, (which appears to my judgment to be an oath of non-responsibility to the people), I addressed to them a note, which clearly forewarned them, as follows:—“*I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it.*”

Three weeks after they had joined the Council, they altogether, in a body, disputed this arrangement; and accordingly we parted on a matter of dry law.

No one can deny that my view of the subject agrees with the practice of Colonel Simcoe, and of all the succeeding Governors of this province, down to the day of Sir John Colborne’s departure; but that is no proof whatever that the practice has been right; and if you would prefer to form your own opinion of the law, read the Constitutional Act.

With respect to my new Council, whose high moral character I cannot but respect, I shall consult them as unreservedly as I had promised to consult those who have just resigned; and if any competent tribunal shall pronounce that they are responsible for my conduct, no one will be a greater gainer than myself by the decision.

In the meanwhile I shall deal openly and mildly with all parties; and I trust that I can give you no better proof of my own intention to be governed by reason than the explanation I have just offered to yourselves, the citizens and industrious classes who attended the Toronto Meeting.

(True Copies.)

(signed) J. Joseph.

(F)

In the Name and on the behalf of HIS MAJESTY.

GEORGE P. R.

INSTRUCTIONS to our right trusty and right entirely beloved Cousin and Councillor *Charles Duke of Richmond*, Knight of the Most Noble Order of the Garter, General of our Forces, Our Captain-General and Governor-in-Chief in and over Our Province of Upper Canada in America, or, in his absence, to the Lieutenant-Governor or Commander-in-Chief of Our said Province for the time being. Given at Our Court at Carlton House, the ninth day of May 1818, in the fifty-eighth year of Our Reign.

The King’s
Instructions.

Charles Duke of Richmond, K. G.

(Instructions.)

1. WITH these Our Instructions you will receive Our Commission, under Our Great Seal of Our United Kingdom of Great Britain and Ireland, constituting you Our Captain-General and Governor-in-Chief in and over Our Provinces of Upper Canada and Lower Canada, bounded as in Our said Commission is particularly expressed. In the execution therefore of so much of the office and trust We have reposed in you as relates to Upper

Canada, you are to take upon you the administration of the Government of the said province, and to do and execute all things belonging to your command according to the several powers and authorities of Our said Commission, under Our Great Seal of Our United Kingdom of Great Britain and Ireland, and of the Act passed in the thirty-first year of Our reign therein recited, and of these Our Instructions to you, and according to such further Powers and Instructions as you shall at any time hereafter receive under Our signet and sign manual, by Our order in Our Privy Council.

2. And you are with all due solemnity before the members of Our Executive Council to cause Our said Commission to be read and published, which, being done, you shall then take and also administer to each of the members of Our said Executive Council the several oaths, and subscribe to the declaration therein required.

3. You shall also administer, or cause to be administered, the oaths mentioned in Our said Commission to all persons, except as hereafter mentioned, that shall be appointed to hold or exercise any office, place of trust, or profit in our said province, previous to their entering on the duties of such office, and you shall also cause them to make and subscribe the aforesaid declaration; but in cases where any such office, place of trust, or profit in Our said province of Upper Canada, shall be conferred on any of Our subjects who may profess the religion of the Church of Rome, you shall, so often as any such person shall or may be admitted into any such office, place of trust or profit, administer, or cause to be administered, to him the oath prescribed in and by an Act of Parliament passed in the fourteenth year of Our reign, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec in North America;" and also the usual oath for the execution of such office, place of trust or profit in lieu of all other tests and oaths whatsoever.

4. Whereas We have thought fit that there should be an Executive Council for assisting you Our Lieutenant-Governor or person administering the government of our said province of Upper Canada for the time being; We do by these Presents nominate and appoint the undermentioned persons to be of the Executive Council of Our said province of Upper Canada, viz., William Dummer Powell, Esq., Our Chief Justice, or the Chief Justice of Our said province for the time being, Jacob Lord Bishop of Quebec, James Baby, Samuel Smith, the Rev. John Strachan, D.D., and William Clause, Esq.: And whereas by an Order passed in the province of Quebec, the Governor and Council were constituted a Court of Civil Jurisdiction for hearing and determining appeals in certain cases therein specified: And whereas by an Act passed in the thirty-first year of Our reign, it is declared, that the Governor, Lieutenant-Governor, or person administering the government of the said province, together with such Executive Council, shall be a Court of Civil Jurisdiction within Our said province for hearing and determining appeals within the same, in the like cases and in the like manner, and from and subject to such appeal therefrom as such appeals might have been before the passing of the above recited Act, heard and determined by the Governor and Council of Quebec; in order, therefore, to carry the said Act into execution, Our will and pleasure is, that you do in all civil causes, on application being made to you for that purpose, permit and allow appeals from any of the Courts of Common Law in Our said province unto you, and the Executive Council of the said province of Upper Canada in manner prescribed by the above-mentioned Act; and you are for that purpose to issue a writ as nearly in the accustomed manner before the passing of the above-mentioned Act in respect of such appeals as the case will admit, returnable before yourself and the Executive Council of the said province, who are to proceed to hear and determine such appeal, wherein such of the Executive Council as shall be at that time Judges of the Court from whence such appeal shall be so made to you and to Our said Executive Council as aforesaid, shall not be admitted to vote upon the said appeal; but they may nevertheless be present at the hearing thereof to give the reasons of the judgment given by them in the causes wherein such appeal shall be made: Provided nevertheless, That in all such appeals the sum or value appealed for do exceed the sum of 300*l.* sterling, and that security be first duly given by the appellant to answer such charges as shall be awarded; in case the first sentence be affirmed, and if either party shall not rest satisfied with the judgment of you and such Executive Council as aforesaid, Our will and pleasure is, that they may then appeal unto Us in Our Privy Council, provided the sum or value so appealed for unto Us do exceed 500*l.* sterling, and that such appeal be made within fourteen days after sentence, and good security be given by the appellant, that he will effectually prosecute the same and answer the condemnation, as also pay such costs and damages as shall be awarded by Us, in case the sentence of you and the Executive Council be affirmed: Provided nevertheless, where the matter in question relates to the taking or demanding any duty payable to Us, or to any fee of office or annual rents, or other such like matters or things where the rights in future may be bound. In all such cases you and the said Executive Council are to admit an appeal to Us in Our Privy Council, though the immediate sum or value appealed for be of a less value. And it is Our further will and pleasure, that in all cases where by your Instructions you are to admit appeals unto Us in Our Privy Council, execution shall be suspended until the final determination of such appeal, unless good and sufficient security be given by the appellee to make ample restitution of all that the appellant shall have lost by means of such decree or judgment; in case upon the determination of such appeal, such decree or judgment should be reversed and restitution awarded to the appellant. You and Our Executive Council are also to admit appeals unto us in Our Privy Council, in all cases of fines imposed for misdemeanors, provided that the fine so imposed amount to or exceed the sum of 100*l.* sterling,

sterling, the appellant first giving good security that he will effectually prosecute the same, and answer the condemnation if the sentence by which the fine was imposed in your government shall be confirmed.

5. And that we may be always informed of the names and characters of persons fit to supply the vacancies which may happen in Our said Executive Council, you are, in case of any vacancy in Our said Council, to transmit to Us through one of Our Principal Secretaries of State, the names and characters of such three persons, inhabitants of Our said province of Upper Canada, whom you may esteem best qualified for fulfilling the trust of such Executive Council.

6. And in the choice and selection of such persons proposed to fill such vacancy in Our said Executive Council, as also of the chief officers of justice, you are always to take care that they be men of good life, well affected to Our Government, and of abilities suitable to their employment.

7. And whereas We are sensible that effectual care ought to be taken to oblige the members of Our Executive Council to a due attendance; it is Our will and pleasure, in order to prevent the many inconveniences that may happen for want of a quorum of the Council to transact business as occasion may require, that if any of the members of Our said Executive Council residing in Our said province shall hereafter wilfully absent themselves from the province, and continue absent above the space of six months together, without leave from you first obtained under your hand and seal, or shall remain absent for the space of one year without Our leave given them under Our royal signature, their places in the said Executive Council shall immediately thereupon become void. And We do hereby will and require you that this Our royal pleasure be signified to the several members of Our said Executive Council, and that it be entered in the Council Books as a standing rule.

8. And to the end that Our said Executive Council may be assisting to you in all affairs relating to Our service, you are to communicate to them such and so many of these Our Instructions wherein their advice is mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for Our service to be imparted to them.

9. You are to permit the members of Our said Executive Council to have and enjoy freedom of debate, and vote in all affairs of public concern which may be debated in the said Executive Council.

10. And whereas by the aforesaid recited Act, passed in the thirty-first year of Our reign, it is provided, that the seats of the members of Our Legislative Council shall become vacant in certain cases mentioned in the said Act, it is Our will and pleasure that if any member of Our said Legislative Council shall at any time leave Our said province and reside out of the same, you shall report the same to Us, by the first opportunity, through one of Our Principal Secretaries of State, and you are also in like manner to report whether such member of the said Council is absent by your permission or by the permission of Our Lieutenant-Governor or Commander-in-Chief of the said province for the time being; and you are also in like manner to report, if it shall come to your knowledge, that any such member shall at any time take or have taken the oath of allegiance or obedience to any foreign prince or power, or shall be attainted for treason in any Court of Law within any of Our dominions, that We may take such measures thereupon as We shall think fit; and you are to take especial care that the several provisions of the said Act respecting the several cases in which persons may or may not be entitled to receive writs of summons to the said Legislative Council, and to hold their places therein, shall be duly executed.

11. And for the execution of so much of the powers vested in you by our said Commission, and by virtue of the said Act, as relates to the declaring that you assent in Our name to Bills passed by the Legislative Council and House of Assembly, or that you withhold our assent therefrom, or that you reserve such Bills for the signification of Our royal pleasure thereon; it is Our will and pleasure that you do carefully observe the following rules, directions and instructions:—viz.

That the style of enacting all the said laws, statutes and ordinances be by Us, Our heirs and successors, by and with the advice and consent of the Legislative Council and Assembly of Our province of Upper Canada, constituted and assembled by virtue and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province," and that no Bill in any other form shall be assented to by you in Our name. That each different matter be provided for by a different law, without including in one and the same Act such things as have no proper relation to each other.

That no clause be inserted in any Act or Ordinance which shall be foreign to what the title of it imports, and that no perpetual clause be part of any temporary law.

That no law or ordinance whatever be suspended, altered, continued, reviewed, or repealed in general words, but that the title and date of such law or ordinance shall be particularly mentioned in the enacting part.

That in case any law or ordinance respecting private property shall be passed without a saving of the right of Us, Our heirs and successors, and of all persons or bodies politic or corporate, except such as are mentioned in the said law or ordinance, you shall declare that you withhold Our assent from the same; and if any such law or ordinance shall be passed without such saving, you shall in every such case declare that you reserve the same for the signification of Our royal pleasure thereon.

Appendix.

The King's
Instructions.

That in all laws or ordinances for levying money, or imposing fines, forfeitures or penalties, express mention be made that the same is granted or reserved to Us, Our heirs and successors, for the public uses of the said province and the support of the government thereof as by the said law shall be directed; and that a clause be inserted, declaring that the due application of such money, pursuant to the directions of such law, shall be accounted for unto Us through Our Commissioners of Our Treasury for the time being, in such manner and form as we shall direct.

12. And whereas We have by Our said Commission given you full power and authority, subject as therein is specified and to these Our Instructions in that behalf, to issue writs of summons and election, and to call together the Legislative Council and Assembly of Our said province of Upper Canada; and for the purpose of electing the Members of the Assembly of Our said province of Upper Canada, have also given you full power and authority to issue a proclamation, dividing our said province of Upper Canada into districts or counties, or circles, and towns or townships, and declaring and appointing the number of representatives to be chosen by each of such districts or counties, or circles, and towns and townships; Now Our will and pleasure is, that you shall issue such proclamation as soon as may be, allowing nevertheless a reasonable time between the issuing thereof and the time of issuing the writs of summons and election above mentioned.

13. That all laws assented to by you in Our name, or reserved for the signification of Our royal pleasure shall, when transmitted by you, be fairly abstracted in the margins, and accompanied with very full and particular observations upon each of them; that is to say, whether the same is introductory to a new law declaratory of a former law, or does repeal a law then before in being; and you are also to transmit in the fullest manner the reasons and occasion for proposing such laws, together with fair copies of the journals and minutes of the proceedings of the said Legislative Council and Assembly, which you are to require from the clerks or other proper officers in that behalf, of the said Legislative Council and Assembly.

14. And whereas in the said Act it is provided that in certain cases Acts passed by the Legislative Council and Assembly of the province shall, previous to any signification of Our assent thereto, be laid before both Houses of Our Parliament of this Kingdom; and whereas it is also provided in the said Act, that in certain cases provision may be made by the Acts of the Legislative Council and Assembly of the province, assented to by Us, Our heirs and successors (thereby reserving the power of giving such assent to Us, Our heirs and successors only), you are to take especial care that in every such case you are to declare that you reserve such Bills for the signification of Our pleasure thereon; and you will likewise reserve for such signification every other Bill which you shall consider to be of an extraordinary or unusual nature, or requiring Our especial consideration and decision thereupon, particularly such as may affect the property, credit or dealings of such of Our subjects as are not usually resident within Our said province, or whereby duties shall be laid upon British or Irish shipping, or upon the produce or manufactures of Great Britain or Ireland.

15. And whereas laws have been formerly enacted in several of Our plantations in America for so short a time that Our royal assent or refusal thereof could not be had before the time for which such laws were enacted did expire, you shall not assent in Our name to any law that shall be enacted for a less time than two years, except in cases of imminent necessity or immediate temporary expediency; and you shall not declare Our assent to any law containing provisions which shall have been disallowed by Us, without express leave for that purpose first obtained from Us, upon a full representation by you to be made to Us, through one of Our Principal Secretaries of State, of the reasons and necessity of passing such law.

16. Whereas We have thought fit by Our Orders in Our Privy Council to disallow certain laws passed in some of our colonies and plantations in America for conferring the privileges of naturalization on persons being aliens, and for divorcing persons who have been legally joined together in holy marriage; and whereas Acts have been passed in others of Our said colonies to enable persons who are Our liege subjects by birth or naturalization to hold and inherit lands, tenements and real estates, although such lands, tenements and real estates had been originally granted to or purchased by aliens antecedent to naturalization; It is Our will and pleasure that you do not upon any pretence whatsoever give your assent to any Bill or Bills that may hereafter be passed by the Legislative Council and Assembly of the said province under your government for the naturalization of aliens, nor for the divorce of persons joined in holy marriage, nor for establishing a title in any person to lands, tenements or real estates in Our said province originally granted to or purchased by aliens antecedent to naturalization.

17. You are to give warrants under your hand for the issuing of public monies for all public services, and We do particularly require you to take care that regular accounts of all receipts and payments of public monies be duly kept; that the same from time to time be duly audited by our Executive Council, and that copies thereof, attested by you, be transmitted every half-year, or oftener, if there should be occasion, to Our Commissioners of Our Treasury or to Our High Treasurer for the time being, and duplicates thereof by the next conveyance; in which accounts shall be specified every particular sum raised or disposed of, to the end that We may take such measures as We may deem necessary for the examination of the said accounts, and that We may be satisfied of the right and due application of the revenues of Our said province of Upper Canada, and with the probability of the increase or diminution of it under every head and article thereof.

18. Whereas

18. Whereas by an Act of the Parliament of Great Britain, passed in the fourth year of Our reign, intituled, "An Act to prevent Paper Bills of Credit hereafter to be issued in any of His Majesty's Colonies and Plantations in America from being declared to be a legal Tender in payment of Money, and to prevent the legal Tender of such Bills as are now subsisting from being prolonged beyond the Periods limited for calling in and sinking the same," it is enacted, that no paper bills or bills of credit should be created or issued by an act, order, resolution or vote of Assembly, in any of Our colonies or plantations in America, to be a legal tender in payment; and that any such act, order, resolution or vote for creating or issuing such paper bills, or bills of credit, or for prolonging the legal tender of any such then subsisting and current in any of the said colonies and plantations, should be null and void; and whereas by another Act of Our said Parliament, passed in the thirteenth year of Our reign, intituled, "An Act to explain and amend the above recited Act," passed in the fourth year of Our reign as aforesaid, it is enacted, that any certificates, notes, bills or debentures which shall or may be voluntarily accepted by the creditors of the public within any of the colonies of America as security for the payment of what is due and owing to the said public creditors, may be made and enacted by the General Assemblies of the said colonies respectively, to be a tender to the public treasurers in the said colonies, for the discharge of any duties, charges or debts whatsoever, due to and payable at or in the said public treasuries of the said colonies, in virtue of laws passed within the same, and in no other case whatsoever: It is Our will and pleasure, that you do in all things conform yourself to the provisions of the said recited Acts, both with respect to the not assenting to any bills which may be presented to you for the purpose of issuing or creating paper bills or bills of credit to be a legal tender in payment; and the assenting to any bills by which such certificates, notes or debentures which may be voluntarily accepted in payment by the public creditors, shall be made a legal tender to the Treasury for taxes, duties and other payments to the public treasury.

19. You shall not remit any fines or forfeitures whatsoever above the sum of 10*l.*, nor dispose of any forfeitures whatsoever, until, upon signifying unto the Commissioners of Our Treasury or Our High Treasurer for the time being, the nature of the offence and the occasion of such fines and forfeitures, with the particular sums or value thereof, which you are to do with all speed, you shall have received Our directions thereon; but you may in the mean time suspend the payment of the said fines and forfeitures.

20. And you are on every occasion to transmit to Us, through one of Our Principal Secretaries of State (with all convenient speed), a particular account of all new establishments of jurisdiction, courts, offices and officers, powers, authorities, fees and privileges, granted and settled within Our said province of Upper Canada; as likewise an account of all expenses (if any) attending the establishment of the said courts and offices.

21. It is Our further will and pleasure, that all commissions to be granted by you to any person or persons to be Judge, Justice of the Peace or other necessary officer, be granted during pleasure only.

22. You are not to suspend any of the Members of the said Executive Council, or to suspend or displace any of the Judges, Justices, Sheriffs or other officers or ministers within Our said province of Upper Canada, without good and sufficient cause; and in case of such suspension or removal, you are forthwith to transmit your reasons for the same to one of Our Principal Secretaries of State.

23. And whereas frequent complaints have been made of great delays and undue proceedings in the courts of justice in several of Our plantations, whereby many of Our good subjects have very much suffered, and it being of the greatest importance to Our service and to the welfare of Our plantations be every where speedily and duly administered, and that all disorders, delays, and other undue practices in the administration thereof be effectually prevented, We do particularly require you to take especial care that in all courts where you are authorised to preside, justice be impartially administered; and that in all other courts established within Our said province, all Judges and other persons therein concerned do likewise perform the several duties without delay or partiality.

24. You are to take care that no court of judicature be adjourned but upon good grounds, as also that no orders of any court of judicature be entered or allowed which shall not be first read and approved of by the Justices in open court; which rule you are in like manner to see observed with relation to all proceedings of Our Executive Council of Upper Canada, and that all orders there made be first read and approved in such Council before they are entered upon the Council Books.

25. You are to take care that all writs within the said Province of Upper Canada be issued in Our name.

26. You shall take care, with and by the advice and assistance of Our Executive Council, that such prisons as may at any time be necessary be erected, and that the same or any other already erected be kept in such a condition as may effectually secure the prisoners which now are or may hereafter be confined in them.

27. You shall not suffer any person to execute more offices than one by deputy.

28. You shall not, by colour of any power or authority, hereby or otherwise granted or mentioned to be granted unto you, give, grant or dispose of any place or office within Our said province, which now is or shall be granted under the Great Seal of this kingdom, or to which any person is or shall be appointed, by warrant under Our signet and sign manual, any further than that you may, upon the vacancy of any such office or place, or upon the suspension of any such officer by you as aforesaid, put in any fit person to officiate in the interval till you shall have represented the matter unto Us, through one of Our Principal

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Secretaries of State, which you are to do by the first opportunity, and till the said office or place is disposed of by Us, Our heirs or successors, under the great seal of this kingdom, or until some person shall be appointed thereunto, under Our signet and sign manual, or until Our further directions be given therein. And it is Our express will and pleasure that you do give reasonable support to the patent officers in the enjoyment of their legal and established fees, rights, privileges and emoluments, according to the true intent and meaning of their respective patents.

29. And whereas several complaints have been made by the officers of Our customs in Our plantations in America, that they have frequently been obliged to serve on juries, and personally to appear in arms whenever the militia is drawn out, and thereby are much hindered in the execution of their employments; Our will and pleasure is, that you take especial care and give the necessary directions that the several officers of Our customs be excused and exempted from serving on any juries, or personally appearing in arms in the militia, unless in cases of absolute necessity, or serving any particular offices which may hinder them in the execution of their duties.

30. And whereas nothing can more effectually tend to the speedy settling of Our said province of Upper Canada, the security of the property of Our subjects and the advancement of Our revenue, than the disposal of such lands as are Our property, upon good and reasonable terms, and the establishing of a regular and proper method of proceeding, with respect to the passing of grants of such lands; It is Our will and pleasure that all and every person or persons who shall apply for any grant or grants of land, shall, previous to their obtaining the same, make it appear that they are in a condition to cultivate and improve the same; and in case you shall, upon a consideration of the circumstances of the person or persons applying for such grants, think it advisable to pass the same, you are in such case to cause a warrant to be drawn up, directed to the Surveyor-General, or other officer, empowering him or them to make a faithful and exact survey of the lands so petitioned for, and to return the said warrant within six months at farthest from the date thereof, with a plot or description of the lands so surveyed thereunto annexed; and when the warrant shall be returned by the said Surveyor or other proper officer, the grant shall be made out in due form, and the terms and conditions required by these Our Instructions, be particularly and expressly mentioned therein. And it is Our will and pleasure that the said grants shall be registered, within six months from the date thereof, in the Register's office, and a docket thereof be also entered in Our Auditor's office; copies of all which entries shall be regularly returned by the proper officer to Our Commissioners of Our Treasury.

31. And for the further encouragement of Our subjects, it is Our will and pleasure that the lands to be granted by you, as aforesaid, shall be laid out in townships, and that each inland township shall, as nearly as circumstances will admit, consist of ten miles square, and such as shall be situated upon a navigable river or water shall have a front of nine miles, and be twelve in depth, and subdivided in such manner as shall be found most advisable for the accommodation of the settlers, and for the making the several reservations for the public uses, and particularly for the support of the Protestant clergy, agreeably to the above-recited Act, passed in the 31st year of Our reign.

32. And because great inconveniences have heretofore arisen in many of Our colonies in America, from the granting excessive quantities of land to particular persons, who have never cultivated or settled the same, and have thereby prevented others more industrious from improving such lands; in order therefore to prevent the like inconveniences in future, it is Our will and pleasure that you observe the following directions and regulations in all grants to be made by you as aforesaid, (that is to say):

That no town-lot shall be granted to any one person being master or mistress of a family in any township so to be laid out which shall contain more than one acre; that no park-lot shall be granted to any one person being master or mistress of a family in any township so to be laid out which shall contain more than 24 acres; that no farm-lot shall be granted to any one person being master or mistress of a family in any township so to be laid out which shall contain more than 200 acres.

It is Our will and pleasure, and you are hereby allowed and permitted to grant unto every such person and persons such farther quantity of land as they may desire, not exceeding 1,000 acres over and above what may heretofore have been granted to them; and in all grants of land to be made by you as aforesaid you are to take care that due regard be had to the quality and comparative value of the different parts of land comprised within any township, so that each grantee may have as nearly as may be a proportionate quantity of lands of such different quality and comparative value, as likewise that the breadth of such tract of land to be hereafter granted be one-third of the length of such tract, and that the length of such tract do not extend along the banks of any river but into the main land, that thereby the said grantees may have each a convenient share of what accommodation the river may afford for navigation or otherwise.

33. And as a further accommodation to Our subjects who shall become settlers as aforesaid, it is Our will and pleasure that the said townships and the respective allotments within the same, together with the lands to be reserved as aforesaid, shall be seen and laid out by Our Surveyor-General of Lands for the said province, or some skilful person authorised by him for that purpose, which surveys, together with the warrants and grants and the respective allotments, shall be made out for and delivered to the several grantees free of any expense or fee whatever other than such as may be payable to the different officers according to the table of fees established upon grants of land made in the said province.

34. And

"I, A. B., do promise and declare, that I will maintain and defend to the utmost of my power the authority of the King in His Parliament, as the supreme legislature of this province."

41. Whereas the establishment of proper regulations on matters of ecclesiastical concern is an object of very great importance, it will be your indispensable duty to take care that no arrangements in regard thereto be made, but such as may give full satisfaction to Our new subjects in every point in which they have a right to any indulgence on that head ; always remembering that it is a toleration of the free exercise of the religion of the Church of Rome only to which they are entitled, but not to the powers and privileges of it as an established church, that being a preference which belongs only to the Protestant Church of England.

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42. And upon the principles, therefore, and to the end that Our just supremacy in all matters ecclesiastical as well as civil may have its due scope and influence ;

It is Our will and pleasure, First, that all appeals to a correspondence with any foreign ecclesiastical jurisdiction, of what nature or kind soever, be absolutely forbidden under very severe penalties.

Secondly, That no episcopal or vicarial power be exercised within Our said province by any person professing the religion of the Church of Rome, but such only as are indispensably and indisputably necessary to the free exercise of the Romish religion ; and in those cases not without a license and permission from you, under the seal of Our said province, for and during Our will and pleasure, and under such limitations and restrictions as may correspond with the spirit and provisions of the Act of the fourteenth year of Our reign, " for making more effectual provision for the Government of the Province of Quebec ;" and no person whatever is to have holy orders conferred upon him, or have the care of souls, without a license for that purpose first had and obtained from you.

Thirdly, That no person professing the religion of the Church of Rome be allowed to fill any ecclesiastical benefice, or to have and enjoy any of the rights or profits belonging thereto, who is not a Canadian by birth, (such only excepted as are now in possession of any such benefices) and who is not appointed thereto by Us or under Our authority ; and that all right or claim of right in any other person whatever to nominate, present or appoint to any vacant benefice, other than such as may lay claim to the patronage of benefices as a civil right, be absolutely abolished ; no person to hold more than one benefice, or at least not more than can reasonably be served by one and the same incumbent.

Fourthly, That no person whatever professing the religion of the Church of Rome be appointed incumbent of any parish in which the majority of the inhabitants shall solicit the appointment of a Protestant minister ; in such case the incumbent shall be a Protestant, and entitled to all tithes payable within such parish ; but, nevertheless, the Roman Catholics may have the use of the church for the free exercise of their religion, at such time as may not interfere with the religious worship of the Protestants ; and in like manner, the Protestant inhabitants in every parish where the majority of the parishioners are Roman Catholics shall notwithstanding have the free use of the church for the exercise of their religion, at such times as may not interfere with the religious worship of the Roman Catholics.

Fifthly, That no incumbent professing the religion of the Church of Rome appointed to any parish shall be entitled to receive any tithes for lands or possessions occupied by a Protestant, but such tithes shall be received by such persons as you shall appoint, and shall be reserved in the hands of Our Receiver-General as aforesaid for the support of a Protestant clergy in Our said province, to be actually resident within the same, and not otherwise, according to such directions as you shall receive from Us in that behalf ; and in like manner all growing rents and profits of a vacant benefice shall during such vacancy be reserved for and applied to the like uses.

Sixthly, That all persons professing the religion of the Church of Rome who are already possessed of, or may hereafter be appointed to, any ecclesiastical benefice, or who may be licensed to exercise any power or authority in respect thereto, do take and subscribe before you in Council, or before such person as you shall appoint to administer the same, the oath required to be taken and subscribed by the aforesaid Act of Parliament passed in the fourteenth year of Our Reign, intituled, " An Act for making more effectual provision for the Government of the Province of Quebec in North America."

Sevently, That all incumbents of parishes professing the Romish religion, not being under the ecclesiastical jurisdiction of the Bishop of Quebec, shall hold their respective benefices during their good behaviour, subject, however, in case of any conviction for criminal offence, or upon due proof of seditious attempts to disturb the peace and tranquillity of Our Government, to be deprived or suspended by you.

Eighthly, That such ecclesiastics as may think fit to enter into the holy state of matrimony shall be released from all penalties to which they may have been subjected in such cases by any authority of the see of Rome.

Ninthly, That freedom of the burial of the dead in the churches and churchyards be allowed indiscriminately to every Christian persuasion.

Tenthly, That the Royal Family be prayed for in all churches and places of public worship, in such manner and form as is used in this kingdom, and that Our Arms and insignia be put up not only in all such churches and places of holy worship, but also in all courts of justice, and that the Arms of France be taken down in any such church or court where they may at present remain.

43. You are to permit liberty of conscience and the free exercise of all such modes of religious worship as are not prohibited by law to all persons who may inhabit and frequent the province of Upper Canada, provided they be contented with a quiet and peaceable enjoyment of the same, without giving offence or scandal to the Government.

44. It is Our will and pleasure to reserve to you the granting of licenses for marriage, letters of administration and probates of wills, as heretofore exercised by you and your predecessors, and also to reserve to you and all others to whom it may lawfully belong, the patronage and right of presentation to benefices ; but it is Our will and pleasure that the person so presented shall be instituted by the Bishop or his commissary duly authorised by him.

45. You are to take especial care that God Almighty be devoutly and duly served throughout your government, that the Lord's day be duly kept, and the services and prayers appointed

appointed by and according to the book of Common Prayer be publicly and solemnly performed throughout the year.

46. You are to take care that the churches which are or may be hereafter erected in Our said province of Upper Canada be well and orderly kept.

47. You shall recommend to the Legislative Council and General Assembly of the province of Upper Canada to settle the limits of parishes in such manner as may be deemed most convenient.

48. You are to use your best endeavour that each minister be constituted one of the vestry in his respective parish, and that no vestry be held without him, except in case of sickness, or that after notice given of a vestry he omit to come.

49. It is Our will and pleasure that you recommend to the Legislative Council and Assembly of Our said province of Upper Canada to make due provision for the erecting and maintaining of schools where youth may be educated in competent learning, and in knowledge of the principles of the Christian religion.

50. And it is Our further will and pleasure that no person shall be allowed to keep a school in the province of Upper Canada without your license first had and obtained; in granting of which you are to pay the most particular attention to the morals and qualifications of persons applying for the same; and in all cases where the school has been instituted or appointed for the education of members of the Church of England, or where it is intended that the schoolmaster should be a member of the Church of England, you are not to grant such licenses except to persons who shall first have obtained from the Bishop of Quebec or one of his commissaries a certificate of their being properly qualified for that purpose.

51. And it is Our further will and pleasure that in order to suppress every species of vice, profaneness and immorality, you do forthwith cause all laws made against blasphemy, profaneness, adultery, fornication, polygamy, incest, profanation of the Lord's Day, swearing and drunkenness to be strictly put in execution in every part of the province of Upper Canada; and that for this purpose you do direct that the constables and churchwardens of the several parishes do make presentment upon oath of any of the vices before mentioned to the justices of the peace in their session, or to any other of the temporal courts; and you are earnestly to recommend to the Legislative Council and Assembly to provide effectual laws for the restraint and punishment of all such of the aforementioned vices against which no laws are as yet provided, or in cases where the laws already made are found to be insufficient; and in order to discountenance vice and promote the practice of virtue to the utmost of your power, We do hereby strictly command and enjoin you to appoint no person to be a justice of the peace, or to any trust or employment, whose notorious ill life or conversation may occasion scandal.

52. You are not to present any Protestant minister to any ecclesiastical benefice within Our said province, by virtue of the said Act passed in the 31st year of Our reign, and of Our commission to you, without a proper certificate from the Bishop of Quebec, or his Commissary, of his being conformable to the doctrine and discipline of the Church of England.

53. And you are to take especial care that the table of marriages established by the Canons of the Church of England be hung up in all places of public worship, according to the rights of the Church of England.

54. It is our intention that the peltry trade of the interior country shall be free and open to Our subjects, inhabitants of any of Our colonies, who shall, pursuant to what was directed by our Royal Proclamation of 1763, obtain trading licenses from the Governor of any of Our said colonies, under penalties to observe such regulations as shall be made by Our Legislature of Our province of Upper Canada for that purpose. These regulations, therefore, when established, must be made public throughout all our American possessions; and they must have for their object the giving every possible facility to that trade which the nature of it will admit, and which may be consistent with just and fair dealing towards the native Indians with whom it is carried on. The fixing stated times and places for carrying on the trade, and adjusting modes of settling tariffs of the price of goods and furs, and above all, the restraining the sale of spirituous liquors to the Indians, will be the most profitable and effectual means of answering the ends proposed.

55. And whereas it is expedient for Our service that we should from time to time be informed of the state of the trade and fisheries as well as of the population of the said province of Upper Canada; it is Our will and pleasure that you do transmit to Us through one of Our Principal Secretaries of State, and to Our Committee of Our Privy Council for Trade and Foreign Plantations, for their information, yearly and every year, a full and particular account of the state of the fur and peltry trade; the nature and extent of the several fisheries carried on by Our subjects or others, either on the lakes or rivers of the said province; the state of the cultivation, particularly specifying the quantity of grain, hemp and flax produced; and of any other important branch of trade which may in your opinion be undertaken and advantageously carried on by Our subjects; the number of inhabitants, distinguishing them under the different heads of men, women and children; inserting in such account the number of persons born, christened and buried, and any extraordinary influx or emigration from our said province, specifying at the same time the number of slaves and the number of Our subjects capable of bearing arms in the militia; the number and tonnage of shipping and craft employed upon the lakes and rivers in or contiguous to the province of Upper Canada, together with any information on these or any other points of the like nature which may be proper to be communicated to us.

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56. And whereas you will receive from Our Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, and of the plantations, a commission constituting you Vice-Admiral of Our said province of Upper Canada; you are required and directed carefully to put in execution the several powers thereby granted to you.

57. Whereas it is absolutely necessary that We be exactly informed of the state of defence of all Our plantations in America, as well in relation to the stores of war, that are in each plantation, as to the forts and fortifications there, and what more may be necessary to be built for the defence and security of the same. You are from time to time to transmit an account thereof with relation to Our said province of Upper Canada, in the most particular manner; and you are therein to express the present state of arms, ammunition and other stores of war belonging to the said province, either in any public magazines or in the hands of private persons, together with a state of all places either already fortified, or that you may judge necessary to be fortified, for the security of Our said province; and you are to transmit the said accounts to Us by one of Our Principal Secretaries of State, and also duplicates to Our Master-general or principal officers of Our Ordnance; which accounts are to express the particulars of ordnance, carriages, balls and powder, and all other sorts of arms and ammunition now in Our public stores; and so, from time to time, of what shall be sent to you or bought with the public money, and to specify the time of the disposal and the occasion thereof, and other like accounts half yearly in the same manner.

58. And in case of distress in any other of Our plantations, you shall, upon application of the respective governors to you, assist them with what aid the condition and safety of Our said province under your government can spare.

59. If any thing shall happen which may be of advantage or security to Our province under your government, which is not herein or by your commission provided for, We do hereby allow unto you, with the advice and consent of Our said Executive Council, to take order for the present therein; provided, nevertheless, that what shall be done be not repugnant to Our Commission or Instructions, and to the said Acts passed in the fourteenth and thirty-first year of Our reign; giving unto Us by one of Our Principal Secretaries of State speedy notice thereof, that you may receive Our ratification, if We shall approve the same; Provided always, that you do not, by colour of any power or authority hereby given you, commence or declare war without Our knowledge and particular command therein, except it be for the purpose of preventing or repelling hostilities, or unavoidable emergencies, when the consent of Our said Executive Council shall be had, and speedy notice given thereof to Us by one of Our Principal Secretaries of State.

60. And whereas great prejudice may happen to Our service and to the security of Our said province by your absence or the absence of the Lieutenant-Governor for the time being; you shall not upon any pretence whatsoever come to Europe without having first obtained leave for so doing from Us, under Our signet and sign manual, or by Our order in Our Privy Council.

61. And whereas we have thought fit by Our Commission to direct, that in case of your death or absence from Our said province, and in case there be at that time no person commissioned or appointed by Us to be Our Lieutenant-Governor, or appointed by Us to administer the government within the province, in the event of the death or absence of you and of Our Lieutenant-Governor of the said province, the senior member of the Executive Council, who shall be at the time of your death or absence residing within Our said province of Upper Canada, subject to such other nomination and appointment by you under the great seal of Our said province, as in Our said Commission is in that behalf mentioned, shall take upon him the administration of the government, and execute Our said Commission and Instructions, and the several powers and authorities therein contained, in the manner hereby directed. It is nevertheless Our express will and pleasure, that in such case the person so administering the government shall forbear to assent to any acts but what are immediately necessary for the welfare of Our said province, without Our particular orders for that purpose; and that he shall not take upon him to dissolve the Assembly then in being, nor to remove or suspend any of the members of Our said Executive Council, nor any judges, justices of the peace or other officers, civil or military, without the advice and consent of the majority of the said Executive Council; and he is by the first opportunity to transmit to Us, by one of Our Principal Secretaries of State, the reasons of such alterations, signed by him and the Council; and Our will and pleasure is, that the above Instructions with respect to such senior Councillor shall also be equally observed by and binding upon such other Executive Councillor as may be nominated and appointed by you under the great seal of Our said province, by virtue of Our said Commission in that behalf.

62. And whereas by our different Commissions we have appointed you to be Our Governor and Commander-in-Chief of Our Provinces of Upper Canada and Lower Canada; Our Province of Nova Scotia; Our Islands of Prince Edward and Cape Breton, as well as of Our Province of New Brunswick; and it is Our intention that the Lieutenant-Governors commanding in Our said Provinces of Upper Canada, New Brunswick and Nova Scotia, and the Islands of Prince Edward and Cape Breton, should have and enjoy the full salaries, perquisites and emoluments, granted to them and arising from their respective governments, in as full and ample a manner as if the said governments were under distinct governors in chief. It is therefore Our will and pleasure that you shall not at any time or times, when you shall be resident and commanding in chief in either of Our said provinces of Upper
Canada,

Canada, Nova Scotia or New Brunswick, or the Islands of Prince Edward and Cape Breton, have or receive any part of the said salaries, perquisites or emoluments; but that the same shall continue to be paid and satisfied to the Lieutenant-Governors of Our said Provinces and Islands respectively, in the like manner as they usually are during your absence therefrom.

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63. And you are upon all occasions to send to Us, by one of Our Principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs within your government.

(A true copy.)

(signed) *J. Joseph.*

(G.)

COPY of the OATH taken by every Member of the Executive Council.

You do swear, that so far forth as cunning and discretion sufficeth, you will justly, truly and evenly counsel and advise the King and his representative in the government of this province, in all matters to be communed, treated and demeaned in the Executive Council, or by you as the King's counsellor, without partiality or exception of persons, not leaving or eschewing so to do, for affection, love, meed, doubt or dread of any person or persons.

Oath taken by
Executive Council.

You shall keep secret the King's counsel, and all that shall be communed, by way of counsel in the same, and shall not discover it by word or writing, or in any otherwise, to any person out of the same Council, or to any of the same Council if it touch him, or be party thereof.

You shall not gift, meed good, or promise of good, by any man, or, by promise of any other person, accept or take, for any promotion, favouring, letting or hindering, any matter or thing to be treated or done in the said Council.

You shall, with all your might and power, help and strengthen the King's said Council for the good of the King and this province, and for the peace, rest and tranquillity of the same.

You shall withstand any person or persons, of whatever condition, estate or degree, that should attempt or intend the contrary; and, generally, you shall observe, keep and do all that a good and true councillor ought to do unto his sovereign lord, or his representative in this province.

(signed) *John Beikie,*
Clerk, Executive Council.

(H.)

ADDRESS to HIS MAJESTY on the subject of the Legislative Council.

To the King's most Excellent Majesty.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly represent, that we have applied ourselves with the greatest diligence during the present Session of the Provincial Parliament, to various subjects of great interest to our constituents; and although our proceedings have been unavoidably interrupted, to a degree altogether unprecedented, by the trial of controverted elections, and although many of the members of this House have laboured under the disadvantage of having been without parliamentary experience; yet the necessary measures on the subjects to which we have alluded have been brought to a satisfactory conclusion, and completed as far as depended on this House, and have been sent to the Legislative Council. It is with no ordinary mortification and regret, however, that we find our exertions during a most laborious session, rendered unavailing in respect to most of these measures, by the rejection of them by the Legislative Council. Among such as have shared this fate, are Bills to protect the agricultural interests of this Province from a ruinous foreign competition;—to provide for the just and equal distribution of the property of persons dying intestate;—to secure an impartial trial by jury, and to take from the sheriffs, who hold their offices during pleasure, the power which they now possess of packing juries;—to relieve an excellent and meritorious class of your subjects from burdens and penalties which are imposed by the Militia Laws of this Province, and which are oppressive on them, and which in time of peace are altogether unnecessary;—to improve the system of our common and district schools, and to increase the public funds for their support;—to amend the charter of King's College, in conformity with Your Majesty's gracious recommendations, and with the wishes which have at different times been strongly expressed to Your Majesty by your faithful subjects in this province, so as to put that institution into operation on just and liberal principles;—to provide for the sale of the clergy reserves, and the application of the monies arising therefrom to objects of common benefit and great utility to Your Majesty's subjects in this province, in accordance with Your Majesty's gracious invitations, and with the well-known and often expressed wishes of Your Majesty's subjects;—to promote the peace, freedom and independence of elections of Members of Parliament, by adopting the mode of voting by ballot;—to grant 100 *l.* per annum for five

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years to the Prantham and Bath Academies, institutions of education established by the voluntary contribution of the people, and on liberal principles.

All these measures, and others which we will not trouble Your Majesty with enumerating, have been rejected by the Legislative Council without amendment, and the labours of this House, during a session which we think we may justly declare has been distinguished for unprecedented diligence and application to public business, almost entirely baffled and rendered useless by the course pursued by the Legislative Council. If there were any reason to hope that these difficulties could be obviated, or materially diminished in future, we should not trouble Your Majesty; but the experience of years convinces us, that on many subjects of great and general interest there is such a disagreement of opinion between the Legislative Council, as now constituted, and the representatives of the people, as to bring us to the conclusion, which indeed the Legislative Council itself has expressed in relation to one of the most deeply interesting of these subjects, namely, that the Legislature of this province cannot concur in any measure that will be satisfactory to Your Majesty's subjects in this province. We are aware that Your Majesty has been officially informed by his Excellency Sir John Colborne, that "composed as the Legislative Council is at present, the province has a right to complain of the great influence of the Executive Government in it; that it consists of seventeen members, exclusive of the Bishop of Quebec; that of these, from accidental causes, not more than fifteen ever attend to their legislative duties; that thus, out of the members generally present, six are of the Executive Council, and four hold offices under the government; and that his Excellency had therefore intimated his intention of recommending to Your Majesty to increase the Legislative Council." And it was no doubt with a desire to remedy this evil, equally felt by the people and his Excellency, that Your Majesty has since added to their number. But it is our duty to assure Your Majesty that this change has not abated the evil of which we have such serious causes to complain, while it has, on the contrary, produced that further division of responsibility amongst its members which lessens the consciousness of individual accountability, without establishing any community of feeling or sentiments of respect between them and the people.

We do not wish to advert to this unpleasant and mortifying condition of our public affairs, in language that shall be disrespectful or offensive to the Legislative Council; nor do we presume to prescribe to Your Majesty what expedient should be adopted to afford relief in the premises to Your Majesty's dutiful and loyal subjects in this province, who, we are confident, desire that Your Majesty's attention should be called to it, and that we should humbly leave it to Your Majesty's wisdom to apply a suitable remedy.

In connexion with this subject, we feel bound to represent to Your Majesty, that it is the earnest desire of Your Majesty's faithful subjects, that Your Majesty's Government in this province should be conducted by the advice of those who should be actually and practically responsible for their proceedings, and who would, as a consequence, be likely to recommend and favour such public measures as may be most desired by Your Majesty's subjects, and in their opinion most conducive to their interests. We behold Your Majesty, in the administration of the affairs of the great Empire which Providence has committed to Your Majesty's hands, graciously consulting the wishes of your faithful people, as expressed by their representatives, in the choice of responsible advisers, to manage, under Your Majesty, the affairs of the Government; and we have been accustomed to regard it as an essential and invaluable feature of the glorious constitution of our Mother Country. The same principle we wish to see applied in the practice of our colonial government: until that is done, we cannot expect that the administration will give satisfaction to Your Majesty's subjects, or that there will be any real and permanent harmony between the Government and the representatives of the people. It is true, that we might withhold the annual grant for the support of the Government as a mark of our dissatisfaction with this state of things, and as a means of procuring redress; but being anxious to evince our forbearance, and desire to avoid as long as possible contention and difficulty, as well as to show our confidence in Your Majesty's paternal regard for your faithful people in this province, and gracious attention to their constitutional rights; and being reluctant to resort to a measure which we are aware must greatly embarrass the Government, until all other constitutional means of seeking redress have been tried and proved unavailing, we have preferred thus to appeal to Your Majesty for Your Majesty's gracious and effectual interference in our behalf; and have, notwithstanding our just dissatisfaction with the existing state of things, and notwithstanding the pecuniary distress which prevails in the province, granted, for the present year, the necessary supplies for the support of the Government, in the confident hope that effectual steps will immediately be taken for the removal of these obstacles to the peace, welfare and good government of the province. When it is considered that the ministers who, sometimes in rapid succession, fill the Colonial department under Your Majesty, are strangers to our province, and too distantly situated to acquire, through channels, often contradictory and interested, a true and correct knowledge of the wants, wishes and genius of Your Majesty's Canadian people, the practical need of local responsibility becomes more apparent and imperious.

(signed) Marshall S. Bidwell,
Speaker.

Commons House of Assembly, }
15th day of April 1835.

On passing the above Address, the Yeas and Nays were as follows :

Yeas.—Alway, Bruce, Chisholm, Duncombe of Oxford, Duncombe of Norfolk, Durand, Gibson, Gilchrist, Lount, MacIntosh, Mackenzie, MacMicking, Moore, Morrison, Park, Perry, Roblin, Rymal, Shaver, Shibley, Smith, Thorburn, Waters, Wells, Wilson and Yager - - - - -	26
Nays.—Brown, Caldwell, MacCrae, MacDonell of Glengary, MacDonell of Northumberland, MacLean, MacNab, Merritt, Morris, Richardson, Robinson, Rykert, Solicitor-General, Walsh, Wilkinson - - - - -	15

(I.)

TO THE KING'S MOST EXCELLENT MAJESTY.

Most gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons House of Assembly of Upper Canada, in Provincial Parliament assembled, in full assurance of Your Majesty's earnest desire to promote the welfare of your people, beg leave humbly to address ourselves to Your Majesty upon a matter of the deepest interest to your faithful subjects in this province.

We learn with extreme apprehension and regret, that at the instance of the Lords Commissioners of Your Majesty's Treasury, Your Majesty has been advised to entertain the intention of disallowing two Acts of the Legislature of this colony, which were passed more than two years ago; the one for increasing the capital stock of the bank of Upper Canada, and the other for incorporating a second banking association in this province under the name of the Commercial Bank of the Midland District.

We humbly represent, that, although the disallowance of these Acts may appear to be authorized by the letter of the Statute of the British Parliament, passed in the thirty-first year of the reign of Your Majesty's Royal Father, intituled, "An Act to repeal certain Parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province;" yet it is contrary to its spirit and meaning and the principles of a free government. We believe that this provision was intended to remedy any evil which might be occasioned by the Royal Assent being given in the colony to a provincial Act, that should be found incompatible with the rights and interests of other portions of the empire; but we cannot think it was intended to give the power of interference with our internal affairs; against such an interference we respectfully, but plainly and solemnly protest, as inconsistent with those sacred constitutional principles which are essential to a free government; since it is manifest, that if Your Majesty's Ministers, at a distance of more than four thousand miles, and not at all controllable by or accountable to Your Majesty's subjects here, and possessing necessarily a slight and imperfect knowledge of the circumstances of this country, the wants, and habits and feelings of the inhabitants, and the mode of transacting business among us can dictate a different course, in relation to measures affecting ourselves only, from that which the people by their representatives, and with the concurrence of the other branches of the Provincial Legislature, have chosen, we are reduced to a state of mere dependence upon the will and pleasure of a Ministry that are irresponsible to us, and beyond the reach and operation of the public opinion of the province; and no one can rely upon our provincial laws, although they may be constitutionally and deliberately formed, but the most unhappy uncertainty and want of confidence will prevail and extend their disastrous influence over all our business transactions.

We respectfully claim the same right in behalf of Your Majesty's subjects in this province, to be consulted in the making of laws for their peace, welfare and good government, which our fellow subjects in Great Britain enjoy, in respect to the laws to which their obedience is required; and although, from the necessity of the case, power must be granted to the head of the empire of preventing colonial laws being adopted and enforced, which are incompatible with treaties between Your Majesty's Government and foreign states, or with the just rights of any other of Your Majesty's colonies; yet, with these exceptions, we humbly submit, that no laws ought to be, or rightfully can be, dictated to or imposed upon the people of this province, to which they do not freely give their consent through the constitutional medium of representatives chosen by and accountable to themselves."

The force of our humble and dutiful remonstrance against the principle of an interference of Your Majesty's Ministers with our internal affairs, we are not willing to diminish, by insisting upon the inconveniences and evils likely to follow from the exercise of the power, which the letter of the British statute, before quoted, gives to Your Majesty to disallow the provincial Acts which we have mentioned; but we cannot refrain from declaring our painful and settled conviction, that the disallowance of these Acts, after they have been for a long time in operation, so that the most frequent and ordinary, as well as the most extensive and important transactions of business in the province depend upon their continued existence, would be attended with confusion and distress beyond description, without any benefit to the province, and without any advantage whatever to any portion of Your Majesty's dominions.

Appendix.

Address to the King.

We therefore respectfully and humbly pray, that Your Majesty, taking these matters into your favourable consideration, will be graciously pleased not to disallow these provincial acts, and not permit Your Majesty's Ministers to interfere with our internal affairs, but to leave the same entirely to the discretion and control of the Legislature of this province.

We beg to renew our assurances of entire devotion to Your Majesty's person and Government.

Commons House of Assembly, }
3 March 1834.

Archibald M^cLean,
Speaker.

Yeas:—Berczy, Bidwell, Boulton, Buell, Burwell, Campbell, Chisholm, Clark, Cook, Crooks, Duncombe, Elliott, Fraser, A., Fraser, D., Hornor, Howard, Jarvis, Lewis, MacDonald, A., M^cDonald, D., MacNab, Merritt, Morris, Perry, Randal, Robinson, Samson, Shaver, Van Roughnet, Willson, J., Wilson, W., - - 31. Nay:—Mr. Ketchum.

(K.)

TO his Excellency, Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

Address of Commons House of Assembly.

WE His Majesty's dutiful and loyal subjects the Commons of Upper Canada, in Provincial Parliament assembled, beg leave to request that your Excellency will cause to be laid before this House, with as little delay as possible, an entire copy of what is generally termed "The King's Instructions" to the Governors of Upper and Lower Canada; and also copies of any other instruction not heretofore laid before this House, touching the duties or responsibilities of the Executive Council of this province; as also any instructions from His Majesty's Government, touching the administering the government of this Province by any Executive Councillor, in the event of the death or removal from the Province of the Governor, Lieutenant-Governor, or person administering the Government; and also copies of any bond or agreement between your Excellency and any of your present Executive Council, or between any two or more of the said Council, by which it is stipulated in what manner the government shall be administered, or who shall administer the government of this province in case of the above-named occurrence.

Commons House of Assembly, }
23 March 1836.

Marshall S. Bidwell,
Speaker.

GENTLEMEN,

I herewith transmit as much of the information desired by the House as I possess.

I have entered into no bond or agreement of any sort with my present Executive Council, and I do not possess, nor does there exist in Council, any document of such a nature between two or more of the said Council.

(L.)

Committee Room, House of Assembly.
Monday, 28 March 1836.

Present:—Messrs. Perry, Chairman.
Duncombe.
Morrison.
Roblin.
Norton.

Robert Baldwin Sullivan, Esq., called in, and interrogated.

Evidence before Select Committee of House of Assembly.

Question 1. ARE you senior member and presiding Councillor of the Executive Council?
—*Answer.* Yes.

Q. 2. Is there any written agreement existing between yourself and any of the other members of the Executive Council, by which it is stipulated on your part in what way the government should be administered in the event of the death or removal from the province of the Lieutenant-Governor?—*A.* There is no agreement in existence by which it is stipulated how the government of the province shall be administered in the event mentioned in the question. At the time the Council were about to be sworn in, I expressed a wish that it might be understood that, in either of the events mentioned, it was my intention to resign my place as Executive Councillor, as it was not my desire, in any event, to fill the situation of administrator of the government. At my request this intention was expressed in writing, and I signed it.

Q. 3. Is the instrument you mention under seal, or witnessed?—It is neither under seal or witnessed.

Q. 4. Into whose hands did you deliver the document?—*A.* Into the hands of the Hon. William Allan.

Q. 5. Did

Q. 5. Did any other person know of the existence of the document?—A. Yes, it was not intended that my intention should be secret. His Excellency the Lieutenant-Governor was present when it was read, and delivered to Mr. Allan.

Q. 6. Did his Excellency the Lieutenant-Governor write the document, or was it written by his Excellency's order?—A. I proposed that my intention should be expressed in writing, and I wished that the writing should be drawn up by some person other than myself; upon which his Excellency, being present, was kind enough to draw it up.

Q. 7. Was the writing intended to be legally binding upon you?—A. Certainly not.

Q. 8. What was the object or intention of the paper in question, if it was not intended to be legally binding?—A. It was intended for my own satisfaction, that it might not be said that I had it in view to fill the situation of administrator of the government.

Q. 9. Do you think you could constitutionally resign in case of either of the above events, and give place to another who could administer the government?—A. I could transmit my resignation to His Majesty's Government, and decline taking upon myself the office of administrator of the government. I think it is the constitutional right of any individual to decline taking office upon himself; and as to giving place to another, that is not the act of the person declining office, but of the law.

Q. 10. Do you not think that in either of the above events taking place, you would be the administrator of the government without being appointed in any way?—A. The senior Executive Councillor would, upon taking the oaths of office, be invested with the administration of the government without any further appointment.

Q. 11. Do you think that upon your resignation, as above stated, the administration of the government could be assumed by any other member of the Council?—A. I think it could; either upon my resignation, or upon my refusal to take the oath of office.

Committee Room, April 11, 1836.

Hon. Augustus Baldwin, called in; and Examined.

Question 1. ARE you one of the present Executive Council?—Answer. Yes.

Q. 2. Have you any knowledge of a paper signed by Mr. Sullivan in relation to the administration of the government in the event of the death or absence from the province of the Lieutenant-Governor; and were you present when such paper was executed?—A. I was present when a paper was signed by Mr. Sullivan for the purpose of Mr. Allan's becoming Senior Councillor in the event alluded to.

Q. 3. At whose suggestion was the paper drawn up and signed?—A. Mr. Elmsley's.

Q. 4. Into whose hands was the paper, after execution, delivered?—A. I think it was into Mr. Allan's hands.

Q. 5. Who drew it up?—A. Sir Francis Head drew it up.

Q. 6. What was the understood purpose of the paper?—A. That the administration might not devolve upon Mr. Sullivan in case of either of the above events.

Q. 7. What objection was there to Mr. Sullivan's administering the government thus referred to?—A. I know of none other than Mr. Allan had preferable claims from his age and long standing in society. Mr. Sullivan made no objections when the thing was suggested, but immediately said he would acquiesce.

Q. 8. Are the Committee to understand that the agreement or paper alluded to was drawn up at the Government House?—A. No, it was drawn up in the Executive Council-Chamber. We went there to meet the Governor before sworn into office.

(M.)

To his Excellency Sir Francis Bond Head, Knight, Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly beg leave to inform your Excellency, that this House, considering the appointment of a responsible Executive Council to advise your Excellency on the affairs of the province, to be one of the most happy and wise features in the constitution, and essential to the form of our government, and one of the strongest securities for a just and equitable administration, and eminently calculated to insure the full enjoyment of our civil and religious rights and privileges, has lately learned with no small degree of surprise and anxiety, that the Executive Council, so recently formed for the purpose above stated, (as we presume) consisting of six members, did, on Saturday, the 12th instant, unanimously tender to your Excellency their resignations; and that your Excellency was pleased to accept the same; and humbly to request your Excellency to inform this House, without delay, whether such are the facts, and also to communicate to this House full information relative to the cause of disagreement between your Excellency and your said late Executive Council, as far as lies in your Excellency's power to make known; as also to furnish this House with copies of all communications between your Excellency and your said late Council, or any of them, on the subject of such disagreement, and subsequent tender of resignation.

Address of House
of Assembly
to Lieutenant-Governor.

Commons House of Assembly, }
14th March 1836.

Appendix.

Reply of House of
Assembly to
Lieut.-Governor.

HIS EXCELLENCY'S REPLY.

GENTLEMEN,—Nothing can appear more reasonable to my mind than the surprise and anxiety which the House of Assembly express to me at the intelligence they have received of the sudden resignation of the six members of the Executive Council; for with both these feelings I was myself deeply impressed, when firmly relying on the advice, assistance and cordial co-operation of my Council, I unexpectedly received from them the embarrassing document which, with my Reply thereto, I now, at the request of the House of Assembly, willingly present to you.

With every desire to consult my Council, I was preparing for their consideration important remedial measures, which I conceived it would be advisable to adopt, and had they but afforded me those few moments for reflection, which, from my sudden arrival among you, I fancied I might fairly have claimed as my due, the question which so unnecessarily they have agitated, would have proved practically to be useless.

Had they chosen to have verbally submitted to me in Council, that the responsibility, and consequently the power and patronage of the Lieutenant-Governor, ought henceforward to be transferred from him to them; had they even in the usual form of a written petition, recommended to my attention, as a new theory, that the Council, instead of the Governor, was to be responsible to the people, I should have raised no objection whatever to the proceeding, however in opinion I might have opposed it; but when they simultaneously declared, not that such *ought to be*, but that such actually *was* the law of the land, and concluded their statement, by praying that a Council sworn in secrecy to assist me, might be permitted, in case I disapproved of their opinion, to communicate with the public, I felt it my duty calmly and with due courtesy to inform them, that they could not retain such principles together with my confidence, and to this opinion I continue steadfastly to adhere.

I feel confident that the House of Assembly will be sensible, that the power intrusted to me by our gracious Sovereign, is a subject of painful anxiety; that from the patronage of this province I can derive no advantage; and that I can have no object in retaining undivided responsibility, except that which proceeds from a just desire to be constitutionally answerable to His Majesty, in case I should neglect the interests of his subjects in this province.

With these sentiments I transmit to the House of Assembly the documents they have requested, feeling confident that I can give them no surer proof of my desire to preserve *their* privileges inviolate, than by proving to them that I am equally determined to maintain the rights and prerogatives of *the Crown*, one of the most prominent of which is, that which I have just assumed, of naming those Councillors in whom I conscientiously believe I can confide.

For *their* Acts I deliberately declare myself to be responsible, but they are not responsible for mine, and cannot be, because, being sworn to silence, they are deprived by this fact, as well as by the constitution, of all power to defend themselves.

(O.)

To His Excellency Sir *Franis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieut.-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

Address of House
of Assembly to
Lieut.-Governor.

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in provincial Parliament assembled, humbly beg leave to inform your Excellency, that we have with deep regret learned that your Excellency has been induced to cause the late Executive Council to tender their resignation to seats in the Council under circumstances which still enabled your Excellency to declare that your estimation of their talents and integrity, as well as your personal regard for them remained unchanged, and that under the present excited state of public feeling in this colony, occasioned by the recent proceedings between your Excellency and the late Executive Council, and the appointment of a new Council (as appears by the Gazette Extraordinary of Monday 14th March instant,) composed of Robert Baldwin Sullivan, John Elmsley, Augustus Baldwin, and William Allan, Esquires, this House feel it to be a duty they owe alike to His most gracious Majesty, and to the people of this Colony, whose representatives they are, to avail themselves of the first opportunity to declare at once to your Excellency the entire want of confidence of this House in the last-mentioned appointments, and deep regret that your Excellency consented to accept the tender of resignation of the late Council, and humbly request your Excellency to take immediate steps to remove the present Council from such their situation.

Commons House of Assembly, }
24 March 1836.

(signed) *Marshall Bidwell*,
Speaker.

(Answer to the foregoing Address.)

Gentlemen,

Appendix.

In reply to your Address, I assure you I very sincerely regret that the House of Assembly should entertain a want of confidence in the Council I appointed on the 14th instant, as I faithfully declare, that under the circumstances in which I was placed, I made every exertion to select gentlemen that I thought would be most acceptable to the House and to the people.

Reply of Lieut.-Governor to House of Assembly.

I can assure the House, that no one lamented more than I did the resignation of the late Council, three of the members of which, namely, Messrs. Dunn, Baldwin and Rolph, I had myself especially selected.

With respect to the request "that I should take immediate steps to remove the present Council from such their situation," I might say that I had hoped the House would have refrained from any such decided expression of its opinion on the subject, until it had received the report of the Committee to whom the subject was referred, and for whom the government office is now occupied in furnishing the documentary evidence they desire, but I am unwilling to discuss that question.

With respect to the "present excited state of public feeling in this colony, occasioned by the recent proceedings," I feel guiltless of being its cause, inasmuch as to the House of Assembly, as well as to people of all classes who have addressed me on the subject, I have done every thing in my power to assure them of my desire that the question should be calmly settled, according to the spirit of the Constitution, and consequently according to the interests of the people.

I can assure the House that, far from entertaining any determination to maintain my opinion merely because I have uttered it, I should be at this moment happy to abandon it, if the duty I owe to my Sovereign and to the people could permit me. My mind invites rather than repels conviction; and hoping that the House will on a subject which must surely occupy the attention of the whole country meet me with a desire to be governed by reason and truth, I will concisely once again submit to it my view of the case.

From the time of General Simcoe to the departure of Sir John Colborne, the practice of every Lieutenant-Governor of this province has been to consider their Executive Councils as advisers, sworn not to respond, or, in other words, not to be responsible to the people.

On my arrival here, finding this had been the practice, I also pursued it; but on preparing to add three popular members to the Council, one of them, Mr. R. Baldwin, with the sincerity which forms his character, tells me he thinks my Council, in spite of their oath, *should* respond to the people.

To this project I refuse to accede, a long argument ensues, and at last I write to Mr. R. Baldwin a note, of which the following is an extract:—

"I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it."

After receiving this distinct statement of my intention *not* to alter the old practice, Mr. R. Baldwin sends a copy of the same to Dr. Rolph and to Mr. Dunn, and they, knowing my sentiments, all three join my Council.

After sitting in the Council three weeks, Mr. Baldwin's conscientious opinion again appears, convinces the other members, old as well as new, and the subject in a most formal manner is officially brought before me, with a request that if I disapprove of the opinion, the Council may be allowed to address the people. On referring to the constitutional Act, I am unable to comprehend their reasoning, and we consequently part on the same good terms on which we met; I retaining my unaltered opinion, while at least four of the Council have (since my arrival) changed theirs.

The whole correspondence I forward to the House of Assembly, with an earnest desire that, regardless of my opinion, the question may be fairly discussed.

In the station I hold, I form one branch out of the three of the legislature, and I claim for myself freedom of thought as firmly as I wish that the other two branches should retain the same privilege.

If I should see myself in the wrong, I will at once acknowledge my error; but if I should feel it my duty to maintain my opinion, the House must know that there exists a constitutional tribunal competent to award its decision, and to that tribunal I am ever ready most respectfully to bow.

To appeal to the people is unconstitutional, as well as unwise—to appeal to their passions is wrong; but on the good sense of the House of Assembly I have ever shown a disposition to rely, and to their good sense I still confidently appeal.

(P.)

UPPER CANADA.

SCHEDULE of PATENTS for LAND, constituting ENDOWMENTS to the Church of *England* in this Province, that have been completed.

No.	NAME of the MINISTER.	Name of the Parsonage and Situation.	LAND FORMING THE ENDOWMENT.			Number of Acres.
			Lot.	Con.	Township.	
1.	The Hon. and Venerable John Strachan, D.D., &c. - -	City of Toronto -	{ 6, 9 22 17 }	{ 2 3 }	York, from the Bay -	800
2.	Rev. C. Matthews -	York, E. Y. S. -	14	2	York, E. Yonge-street	200
3.	Rev. T. Phillips, D.D.	Mimico, in Etobicoke	{ 3 & 4 W ^t P ^t 3 4 }	{ 1 Rg ^e 2 2, 3 & 4 }	Etobicoke - - -	205
4.	Rev. A. N. Bethune -	Cobourg - - -	{ Part 15 1/4 15 27 E. 1/2 2 }	{ B. A. 6 7 }	Hamilton - - -	{ About 400 }
5.	Rev. M. Harris -	Perth - - -	{ 17 4 }	{ 7 1 }	Bathurst - - - Drummond - - -	400
6.	Rev. R. F. Grout -	Grimsby - - -	{ 11, 12 13, 14 }	6	Grimsby - - -	400
7.	Rev. R. H. D'Olier -	Peterborough - -	{ 17 40 15, 16 4 Town lots }	{ 2 13 3 - - }	Smith - - - Monaghan (Park Lots) Peterborough - - -	About 420
8.	Rev. F. Evans - -	Woodhouse - - -	{ 3/4 1 1/4 2 Part 6 10 }	{ 3 1 4 }	Woodhouse - - -	402
9.	Rev. John Anderson	Waterloo (Bertie) -	6 & 7	5 & 6	Bertie - - -	400
10.	Rev. Wm. Betteridge	Woodstock (Blandford)	{ 2 16 }	{ 1 5 }	Oxford West - - - " East - - -	400
11.	Rev. John Miller -	Ancaster - - -	39, 40	5	Ancaster - - -	400
12.	Rev. H. Patton -	- - Kemptville, Johnstown District.	{ 15, 16 16 }	{ 1 6 }	Oxford, J ⁿ D ^t - - -	450
13.	Rev. S. Armour -	Cavan - - -	{ 17 10 }	{ 4 10 }	Cavan - - -	400
14.	Rev. G. Mortimer -	Thornhill (Home Dist ^s)	N. 1/2 27	1	Vaughan - - -	105
15.	Rev. W. Macaulay -	Picton (Prince Ed. D ^t)	N. E. p ^t blk.	D.	Sophiasburgh - - -	400
16.	Rev. R. Blakey -	Prescott - - -	{ 18 & 19, and Commons between. }	4	Augusta - - -	450
17.	Rev. W. H. Gunning	Elizabeth Town -	19, 20	5	Elizabeth Town - - -	400
18.	Rev. F. Mack - -	- - Wellington Square, Nelson.	{ 6 10 }	{ 2 4 }	Flambro' East - - -	400
19.	Rev. J. Coghlan -	Port Hope - - -	{ Part 9 27 6 }	{ 1 4 8 }	Hope - - - - ditto - - -	36 400
20.	Rev. B. Cronyn -	London (Township) -	{ Part 15 15 16 }	{ 3 7 3 }	London - - - - " - - -	375 4 1/2
21.	Rev. B. Cronyn -	London (Town) -	{ Part of Town Plot of London, on which the Church of England now stands 12, 13 }			4 2/10
22.	Rev. V. P. Meyerhoffer	Markham - - -	{ 9 19 }	{ 5 9 }	Markham - - - Vaughan - - -	400

AFFAIRS OF UPPER CANADA.

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SCHEDULE of Patents for Land, constituting Endowments to the Church of England, &c.—*continued.*

No.	NAME of the MINISTER.	Name of the Parsonage and Situation.	LAND FORMING THE ENDOWMENT.			Number of Acres.
			Lot.	Con.	Township.	
23.	The Rev. G. O. Stuart, Archdeacon of Kings- ton - - - }	Kingston - - - }	Blk. C. adjoining Kingston (Town) - - - $\frac{3}{4}$ 12, 13 $\frac{1}{4}$ 14 43	4 3	Kingston (Township) - Ernest Town - - }	18 700
24.	Rev. Thomas Creen -	Niagara - - - }	126, 127, 128, 130 }	- -	Niagara (Township) -	400
25.	Rev. John Cochrane -	Belleville - - - }	16, 17, Part 4	3 1	Thurlow - - -	418
26.	Rev. G. Archbold -	Cornwall - - - }	19, $\frac{1}{2}$ 38 Also a strip of land between the Town of Cornwall and the second Concession of the Township of Cornwall.	8	Cornwall (Township).	410
27.	Rev. J. Radcliff -	Warwick - - - }	15, 25	1	Warwick - - -	400
28.	Rev. S. Givens -	Napanee - - - }	15, 16	4	Richmond - - -	400
29.	Rev. D. E. Blake -	Adelaide - - - }	12 25 8 & 9	1 1 Front street	Adelaide (N th Egr ^t R ^d) " (South ditto) " (Village) - }	400
30.	Rev. James Clark -	St. Catherines - - }	3	5 & 6	Grantham - - -	400
31.	Rev. J. Short -	Beckwith - - - }	17 N. E. $\frac{1}{2}$ 21 W. $\frac{1}{2}$ 26	1 2	Beckwith - - -	400
32.	Rev. R. Rolph -	Amherstburgh -	80, 81	7	Malden - - -	400
33.	Rev. Job Deacon -	Adolphustown -	24, 25 6, 7, 8 6, 7, 8	1 North of 3d street South of 4th street	Adolphustown (Township) " (Town) -	164
34.	Rev. W. Leeming -	Chippewa - - - }	72, 88 89, 106	- -	Stamford - - -	400
35.	Rev. A. Palmer -	Guelph - - - }	C. Div ⁿ A. res ^{ve} lot be- tween C. and River Speed, 14, 15, Div ⁿ A. - - - }	- -	Guelph (Township) -	86
			Centre part of St. George's- square - - - }	- -	Guelph (Town) -	Perches 54 $\frac{1}{2}$ $\frac{3}{4}$
		Broken	R ^s 2, 3, 4 3, 4	10 11	Puslinch - - -	326
36.	No Minister yet ap- pointed.	Thorold - - - }	98, 99 100, 121	- -	Thorold - - -	400
37.	Ditto - - -	Louth - - - }	11, 12 12	4 5	Louth - - -	300
38.	Ditto - - -	Fredericksburgh -	9, 10, 11	2	Fredericksburgh -	250
39.	Ditto - - -	Bath (Midland Dist ^t)	$\frac{1}{2}$ 12, 13 $\frac{3}{4}$ 14	4	Ernest Town - -	400
40.	Ditto - - -	Williamsburgh -	18, 19	4	Williamsburgh - -	400
41.	Ditto - - -	Richmond (Bathurt D ^t)	24 17	5 9	Goulborn - - - Fitzroy - - - }	400
42.	Ditto - - -	Clarke - - - }	20, 27 Part 34	2 2	Clarke - - - " given by S. Wil- mot, Esq. - }	400 15
43.	Ditto - - -	Darlington - - - }	25, 31	1	Darlington - - -	400
44.	Ditto - - -	Town of Barrie Home District.	Six town lots 10 28 10	- - 8 13 14	Barrie - - - Innisfil - - - }	420

Secretary and Registrar's Office, Toronto, }
5 February 1836.

D. Cameron,
Sec^y & Reg^r.

Appendix.
Schedule of late
Endowments of
Parsonages and
Rectories.

THE following RECTORIES have been endowed since the receipt of the foregoing STATEMENT.

No.	N A M E S.		ACRES.
45.	Rev. John Gamble Geddes, Hamilton (Gore District.)	- - Lot No. 6, in 13th Concession, and lot No. 2, in 14th Concession, of East Flamborough - }	400
46.	Rev. John Grier, Ameliasburgh	- - No. 96 and 102, in the 2d Concession of Ame- lisaburgh - - - - - }	400
47.	Rev. J. G. Beek, Lindsay, Wil- liamsburgh.	- - Part of the centre Commons in 1st and 2d Concession; Williamsburgh, 37 $\frac{1}{2}$ acres; the centre Commons between 18 and 19, in 1st, 3d and 4th Concession of Matilda, 163 acres; lots No. 19, in 6th Concession, Matilda - }	400 $\frac{1}{2}$
48.	Rev. Edward J. Boswell, Carle- ton-place.	- - No. 26, in 2d Concession, and No. 2, in 7th Concession, of Ramsay - - - - }	400
49.	Rev. Mark Burnham, St. Tho- mas.	- - Lot 9, in 1st Concession, and 17, in 4th Concession, Township of Southwold - }	400
50.	Rev. A. H. Burwell, Bytown -	- - Lot 17 and 18, in 1st Concession, on the Ottawa, in Gloucester - - - about }	400
51.	Rev. James Magrath, Toronto	- - Lot 23, in 2d Concession, and lot 29, in 4th Concession, East Hurontario-street, Chingua- cousy - - - - - }	400
52.	Rev. James Padfield, March -	- - No. 2 and 32, in 4th Concession, on the Rideau, Nepean - - - - - }	400
53.	Rev. Robert Lugger, Brantford	- - No. 3, in 2d Concession, and No. 9, in 3d Concession, of Burford - - - - }	400
54.	Rev. Richard Flood, Delaware	- - No. 22, in 1st Range, North of the Long- wood Road, and No. 16, in 1st Concession, Carradoc - - - - - }	435
55.	Rev. William Johnson, Sand- wich.	- - No. 3, East of River au Puce; front half, No. 1, between River Puce and River Pêche, in Maidstone; and lot 8, broken front, Tilbury West - - - - - about }	400
56.	Parish Church in Chatham -	- - Lots 8 and 15, in 1st Concession, of Tilbury West, and lot 2, between Belle River and River Ruscum, in the Township of Rochester - about }	400

RETURN of PROPERTY surrendered by certain CLERGYMEN of the CHURCH of ENGLAND, and
others; showing the Value of said Property, with the Lands granted in lieu thereof, intended
as Endowment.

N A M E.			Acres.
Rev. James Coghlan	- - Part of Lot No. 9 in the 1st Concession of Hope, 36 acres, with messuage or dwelling-house surrendered; value 1,060 <i>l.</i> 6 <i>s.</i> 3 <i>d.</i>	Received in lieu:	
		Lot No. 27. 2 Con. Hope	200
		27. 8 " "	200
		2. 9 " Cavan	200
		S. $\frac{1}{2}$ 9. 9 " ditto	100
		E. $\frac{1}{2}$ 16. 5 " Emily	100
		N. $\frac{1}{2}$ & } 3. 6 " Seymour	150
		S. E. $\frac{1}{4}$ }	
		and N. }	
		part } 2. 5 " ditto	70
			1,020
Rev. George Mortimer	- - N. $\frac{1}{2}$ 27, West side Yonge-street, in the 1st Concession of the Township of Vaughan, 105 acres; value 750 <i>l.</i>	14. 3 " Puslinch	336
		R. $\frac{1}{2}$ 16. 3 " ditto	
		30. 1 " ditto	
		22. 12 " Innisfil.	200
		27. 6 }	800
		18. 7 " }	
		12. 8 " }	
		20. 8 }	1,336

RETURN of Property surrendered by certain Clergymen of the Church of England—*continued.*

Appendix.

Schedule of late
Endowments of
Parsonages and
Rectories.

NAMES.			Acres.
Rev. Benjamin Cronyn	- - Part of Lot No. 16, in the 3d Concession of London, containing 4 acres and 34 poles, with mes- suage or dwelling-house, out- houses, offices and buildings; value 1,180 <i>l</i> .	Received in lieu : 12. 2 part 15. 3 31. 3 15. 11 20. 12 15. 13 15. 15 12. B 2. 7 20. 2 36. 2 31. 3 } Con. London ,, Nissowri	1,396 496 1,892
Rev. Francis Evans	- - S. W. $\frac{1}{4}$ of Clergy Reserve, Lot No. 2 in the 3d Concession, 50 acres, and the South part of No. 1 in the 3d Concession, Wood- house, 50 acres; value 600 <i>l</i> .	Lots 2 9 16 38 } 7 ,, ,, Walpole	800
Rev. Philip Mayerhoffer	- - Rear part of Lot No. 17, in the 5th Concession of Markham, 70 acres; value 250 <i>l</i> .	Lot 19. 5 ,, Markham	200
Rear Admiral Vansittart	- - A house, two acres and two lots of land in Blandford, and 26 acres in Oxford, East, value 935 <i>l</i> , for the Church at Wood- stock.	- - 3,690 acres in the Township of Bexley, District of Newcastle.	

(R.)

Sir,

Government House, 4th April 1836.

I HAVE laid your letter of the 2d instant before the Lieutenant-Governor, and have the honour to forward to you, by his Excellency's command, the document therein applied for.

Letter from
J. Joseph, Esq. to
J. Perry, Esq.

I think it right to add, for the information of the Committee, that a rejoinder to the Lieutenant-Governor's answer to the Address of the Citizens of Toronto was left at the Government-House in a sealed cover, and returned unread to Mr. George Ridout, who had brought up and read to his Excellency the Address; that gentleman, however, disclaimed all participation in the Rejoinder, and forwarded it to Mr. Jesse Ketchum, one of the subscribers.

I have the honour to be, &c.

Peter Perry, esq., M. P.,
Chairman, &c.

(signed) *J. Joseph.*

(S.)

REJOINDER to the foregoing REPLY, which has this day been laid before His Excellency.

May it please your Excellency,

WE thank your Excellency for replying to our Address, "principally from the industrious classes of the city," with as much attention as if it had proceeded from either of the branches of the legislature; and we are deeply sensible, in receiving your Excellency's reply of your Excellency's condescension in endeavouring to express myself in plainer and more homely language, presumed by your Excellency to be thereby brought down to the lower level of our plainer and more homely understandings. But we beg leave, in justification of those classes, to assure your Excellency, that any comparison which may have passed in your Excellency's mind between them and the more unfortunate and less favoured in the parishes of the parent State, is by no means founded in truth. The industrious classes of this city have for many years been seriously impressed with the duty and importance of acquiring knowledge, for the general diffusion of which they have, by their own efforts and at their own expense, (with the aid of generous and patriotic friends,) so far successfully laboured as to be able to appreciate good writing and fair reasoning. We desire respectfully to inform your Excellency, in the plain and homely language of industrious men, that any supposed necessity for this great condescension of your Excellency, could not have existed, in any degree, had not past administrations sadly neglected our claims to the blessings of general education. Lest your Excellency should doubt our sufficient appre-

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hension of the matter (though we have practically felt and suffered from the evil,) we humbly refer your Excellency to the language of our honest and honoured representatives at the opening of the present Session of our Parliament:—"We have also been anxious in past years to make the means of education general and easily available, but it has only lately become known to the legislature that a bountiful provision in lands was made by the Crown about 40 years ago, though since deteriorated by a recent secret unfavourable exchange for inferior lands. The University of King's College was grounded on Royal Charter, sought for and granted in 1826, upon principles so exclusive and sectarian, as to render it deservedly unacceptable to the great body of the people for whose benefit it was professedly intended; and although the most reasonable modifications were suggested by a series of Resolutions in 1829, yet it is now, for the first time, that your Excellency has been enabled to announce from His Majesty's Government any specific proposition respecting it. Nor ought we to fail to notice, that large appropriations have been made out of the University fund, not to the district and township schools, undeservedly neglected, but to sustain Upper Canada College in this city, in which the sons of all the wealthiest families are educated, and which ought, therefore, to be supported without so questionable an encroachment on public funds."

To this statement we can add the untiring efforts of our representatives for the sale of the clergy reserves, and the appropriation of their proceeds to the purposes of general education, have hitherto proved unavailing; and although a philosophical apparatus, purchased out of the taxes gathered from the people in the year 1800, has ever since been unused, mouldering and decaying in a garret in the Hospital, yet when the industrious classes, after cleaning and repairing it, humbly solicited his late Excellency, Sir John Colborne, for the use of it in their Institute, it was peremptorily refused.

We therefore humbly pray your Excellency, under these mortifying and humiliating circumstances, to accept the above painful facts and extracts from the records of our Parliament as an apology for any alleged necessity for your Excellency's gracious condescension in using plainer and more homely language for the level of our understandings.

But it is because we have been thus maltreated, neglected and despised in our education and interests, under the system of government which has heretofore prevailed, that we are now driven to insist upon a change, which cannot be for the worse. In the further language of our Commons House of Assembly, we can aver that "*the uniform experience of nearly half a century, has forced the conviction, confirmed by the history of nations, that no richness of soil, or salubrity of climate, no wealth in public lands or industry and economy among a deserving people, can insure their peace, welfare and prosperity, without the possession of those suitable institutions which will yield cheap, honest and responsible government.*"

Now, your Excellency is pleased to answer us, on this occasion, by declaring, that the system of government which has prevailed from the time of Simcoe, is the best for us, although it has, by its vices, reduced us to so deplorable a condition of grievances, that even your Excellency recognizes it, this day, in the following just and sententious language to us: "*The grievances of this province must be corrected—impartial justice must be administered—the people have asked for it; their Sovereign has ordained it; I am here to execute His gracious Commands: delay will only increase impatience.*" Thus is the exigency of our affairs frankly admitted by your Excellency in both the civil and judicial departments; and surely it is the province of wisdom not merely to relieve the present exigency but to remove the causes which have produced it in the past, and will, if suffered to continue, reproduce it in the future; for the like causes will ever produce the like effects. However much, therefore, we might commend the intention of your Excellency to see that "*the grievances of this province* are redressed, and *impartial justice administered,*" we are determined, by means of institutions better organized and directed, to prevent the recurrence of such wrongs; because it is wiser to prevent evil, than to hazard the correction of it after it has arisen, or has, perhaps, become inveterate.

Your Excellency is pleased to say, 'I am here to execute,' &c. But your Excellency's predecessors throughout the history of this country have made similar professions, yielding however nothing but bitter disappointment. The issue of the Administration of a Gore, a Maitland, and a Colborne, has been equally disastrous; each in its commencement holding forth expectations as flattering as those from your Excellency, but each finally aggravating our need for "*grievances to be redressed, and impartial justice to be administered.*" But the very fact, that your Excellency has begun like your predecessors, is a reason for apprehending the same result; for it would be offensive to your Excellency to assume that they were less wise, impartial and honourable than any who may ever succeed them. The hopes of amelioration from each successive Governor have been uniformly delusive; and candor obliges us to assure your Excellency, that, even in this early period of your government, our condition has become more deplorable, than ever, and the very nature and stability of our institutions involved in alarming uncertainty.

While our condition has been thus growing worse, under a succession of new Governors from England, they have been responsible to the Minister in Downing-street. With our plain and homely understandings, we cannot comprehend how a responsibility to Downing-street having failed of any good with all your predecessors, should be all availing in your present government; for it is the same responsibility in nature and degree; it is regulated by the same instructions; it is rendered to the same distant Government, 4,000 miles off, and guarded by such a system of secret Despatches, like a system of espionage, as to keep

in utter darkness the very guilt, the disclosure of which could alone consummate real and practical responsibility.

Dalhousie and Aylmer in Lower Canada, and Gore, Maitland and Colborne in Upper Canada, have severally misgoverned their respective provinces. The two former have been impeached by the people, through their representatives, and their very crimes, instead of meeting punishment, have raised them to higher honours. And although the three latter have severally retired from our country after misconducting our affairs, under a nominal responsibility to Downing-street, till they had engendered an imperious necessity "for the correction of our grievances, and the impartial administration of justice," yet in every case they have been promoted higher, in direct proportion to the complaints of the people, without any redress for their wrongs, or even censure of their oppressions. We do not mean, in our plain and homely statement, to be discourteous, by declaring our unalterable conviction, that a nominal responsibility to Downing-street, which has failed of any good with the above gentlemen of high pretensions to honour, character and station, cannot have any magic operation in your Excellency's administration, which, should it end, as it has unhappily begun, might make us drink the cup of national misgovernment to the very dregs, without (as experience proves) redress on our part, or retribution on yours. "Facts are stubborn things." It is a mockery to invite us to rest our future hopes on an ineffectual, merely nominal responsibility, that has proved a broken reed, which, it would be folly ever again to rest upon. Your Excellency has been pleased solemnly and publicly to declare, that being determined to hold an irresponsible, or, more strictly speaking, an acceptable Executive Council, you hold yourself responsible for their acts as well as your own; and, considering the sort of Council you have about you, we cannot foresee the magnitude to which your Excellency's responsibility may extend. On your Excellency's account, therefore, as well as our own, we do humbly and heartily desire to see you surrounded by confidential servants, not likely to involve your Excellency or dissatisfy the country. We do not, however, understand how the Council can be called "*non-responsible*," when your Excellency voluntarily places yourself as a substitute, answerable for their misdeeds to the Minister at Downing-street. But who can avail himself of this responsibility, in order to seek any redress? Can it be reasonably required, that one of a community, "*whose whole revenue does not equal the private fortune of many an English commoner*," shall carry his complaint 4,000 miles off, transmit the evidence, rebut any unjust offence, fee lawyers and agents, in a long, tedious, protracted litigation, in Downing-street, worse than a suit in Chancery, where, before the matter can be investigated, one Minister succeeds another so rapidly as to defy continuous inquiry?

This responsibility to Downing-street has never yet saved a single martyr to executive displeasure. Robert Gourlay still lives in the public sympathy, ruined in his fortune, and overwhelmed in his mind, by official injustice and persecution; and the late Captain Mathews, a faithful servant of the public, broken down in spirit, narrowly escaped being another victim. The learned Mr. Justice Willis struggled in vain to vindicate himself and the wounded justice of the country; and the ashes of Francis Collins and Robert Randall lie entombed in a country in whose service they suffered heart-rending persecution and accelerated death. And even your Excellency has disclosed a secret Despatch to the Minister in Downing-street, (the very alleged tribunal for justice,) containing most libellous matter against William Lyon Mackenzie, Esquire, M. P., a gentleman known chiefly for his untiring services to his adopted and grateful country. We will not wait for the immolation of any others of our public men, sacrificed to a nominal responsibility, which we blush to have so long endured for the ruin of so many of His Majesty's dutiful and loyal subjects.

It is easy to say, when wrong is done by the Executive Council of the Province to any individual or individuals, the Governor is responsible for them to the Minister at *Downing-street*; but for all practical ends, it might as well be said at our *antipodes*. Your Excellency asks us, with reference to your late Council, "Is it usual for one person to insist on bearing another person's blame?" It seems, may it please your Excellency, to have been usual to do so; for you insist upon being answerable for the acts of your Council against their will. But, inasmuch as it appears to your Excellency, as well as to our plain and simple minds, unreasonable for "one man to insist on bearing another person's blame," we the more earnestly insist that the Executive Council should bear their own blame, and not saddle it upon your Excellency, however graciously disposed your Excellency may be to assume it. Your Excellency is pleased to say, that "the political party which demands responsibility for my Council know perfectly well that the power and patronage of the Crown are attached to it; and it is too evident that if they could but obtain this marrow, the empty bone of contention, namely, responsibility to the people, they would soon be too happy to throw away." Respecting these strictures of your Excellency, on the purity of their motives (which we deem most patriotic and honourable) we forbear to offer any remark. "*Charity thinketh no evil*." But, confining our views to what can be gathered from the representations of your late Council, we had rather that the power and patronage of the Crown were exercised by your Excellency, after receiving the conscientious advice of your sworn advisers, known and acceptable to the people, than by your Excellency's unadvised and arbitrary pleasure; and we think the case rendered even worse by the interference of a Minister 4,000 miles off, too distant from the scene of government, and too unacquainted with our complicated localities, to form a judgment upon which he ought to decree, or with which the people intetested ought to be satisfied. What your Excellency is pleased to call "*the marrow of the bone*," is constitutionally intended to nourish, enrich and benefit the "industrious classes," and the whole community; and your Excellency's candour will, no doubt, pardon our reluctance wholly to confide (without the advice of your

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Council) to your Excellency, as "a stranger lately arrived among us, ignorant even of the political differences of the parent State, and avowedly unacquainted with the wants and condition of this province."

We beg leave to assure your Excellency, that the "*bone*" to which your Excellency alludes, has been in the keeping of successive Governors responsible to the Minister in Downing-street, and at one time it abounded with "*marrow*," and was even the nucleus for much solid and valuable nutriment, all intended to form a source of national wealth, to be improved; husbanded and applied for our peace, welfare and good government. It is with profound, and, we greatly fear, with unavailing regret, we inform your Excellency, that while subject to the above custody and responsibility, the "*bone*" had been picked so bare, as to leave little besides the "*marrow*" behind.

Under these circumstances, we hope your Excellency will commend the "*industrious classes*" and others for so far learning wisdom from woeful experience, as no longer to confide their best present and future interests, their civil and religious liberties, and all that endears a man to his country or to the world, to a succession of Governors, nominally responsible at Downing-street, to a succession of ever changing Ministers: it is unreasonable to expect it; we should betray our country to consent to it.

We cannot altogether agree with your Excellency, that "the only consolation which should support an honest man in an arduous duty is the reflection that he is ready to atone for every error he commits, and that he is subject to arraignment if he offends." The highwayman and the pirate might and often have pleaded the same, have even been ready to make atonement by restitution, and after "arraignment" expiated their crimes according to law. But a Statesman, a Governor or a King is presumed to be influenced by higher motives and by more exalted principles. The discharge of even an arduous duty cannot and ought not to be satisfactory to us, if performed in an unconstitutional way. In some countries, the end gained, however valuable, might be so tainted by the means as to make it treason. We desire not only to be governed well, but to be governed constitutionally; at the very least, according to the present charter of our liberties. The fear of personal liability to "atonement" or "arraignment" is a very subordinate protection against the abuse of power; when the complaint is made against a person, entrenched in authority and armed with patronage, whose very breath confers influence and office, or takes them away, whose liability is to the very Minister, who is his patron, and is naturally disposed to view even his aberrations with a favourable and excusing eye. On that account, among others, we desire in our government some higher security than a disposition to atone, or a liability to arraignment, in its nature and circumstances almost impracticable, and almost always unsuccessful.

It is on this account, may it please your Excellency, we desire to see every Governor surrounded by confidential advisers, who, from their local knowledge, can supply with sworn advice, as the surest means of preventing error, or the humiliating necessity of "atonement" or "arraignment" for it. According to Holy Writ "in a multitude of councillors there is safety;" it is, therefore, natural for us rather to wish to see the management of our affairs by your Excellency with the aid of an acceptable Council, than by your Excellency alone. Your Excellency must take advice upon assuming a new government in a country in which you are a stranger; and it has been to us a source of painful mortification and disappointment to find that your Excellency was consulting irresponsible individuals, neither possessing nor entitled to political confidence, even to the humiliating exclusion of your sworn advisers, provided by law and selected by yourself. Hence it is that there has scarcely been a single act of your administration satisfactory to the community your Excellency perhaps intended to serve.

It is against ourselves and our friends engaged in the common cause of constitutional government that your Excellency seems to direct the charge of preventing your "rooting up the tree of abuse, because they have *built and feathered their nests* in its branches." In this "tree" many indeed have "built and feathered their nests;" but, heretofore, reformers have never been allowed even to perch upon its branches, repose in its shade, or partake of its fruit. The ultra tories, who have unhappily held your Excellency's ear and confidence, have enjoyed a complete monopoly; and it is an historical fact, that our Governors, among the rest, have built "and feathered their nests," and then carried their accumulated wealth, with themselves, out of the country. We trust your Excellency will feel on this subject how unjust it is that a community (as your Excellency observes) whose public revenues do not exceed the income of many a commoner in England, should be called upon to pay for the administration of even an irresponsible government a sum almost equal to that received by the President of the United States, with a transcendent wealth and power that put our comparative condition to shame.

We are surprised at the information your Excellency gives us, that the Executive Council of the province is "*sworn to be dumb*;" for we always thought they were sworn to advise the King and his representative upon our affairs; supposing your Excellency were so far to unseal their mouths as freely to receive their advice, we see no difficulty in its being given secretly, yet responsibly. In England ministers give their advice under an oath of secrecy, and are still responsible. There can be, therefore, no greater inconsistency in such a relation subsisting between your Excellency and your Council. Actions often indicate more strikingly than words; and although your Councillors cannot reveal what they *say*, the whole country can see what is *done*.

We care not how dumb they are *out* of the Council, if their mouths are not sealed *in* it; and the Province is allowed to feel and enjoy the manifest fruits of their counsel, without knowledge

knowledge what it was. The Council should be responsible for giving good advice, while your Excellency would retain enough of responsibility by deciding upon it. We should not the better esteem a Judge who refused to listen to an argument before he gave a judgment, or a jury who sealed their ears against the charge of a Judge, in order to manifest their self-sufficiency in giving a verdict. The Judge condescends to hear the argument of a counsel, the jury listens to the Judge's charge, and your Excellency should, as seems to our "plain and homely" minds, listen on all subjects to the conscientious advice of the sworn advisers, selected by yourself for their "talents and integrity."

We have carefully read, as your Excellency recommended, the Constitutional Act, and although your Excellency assures us that by it "a House of Assembly and Legislative Council and Lieutenant-Governor are appointed, but that it creates no Executive Council," yet we read so clearly, in three several places, almost the very same comprehensive words, viz. "with the consent of such Executive Council as shall be appointed by His Majesty, His heirs and successors, within such province, for the affairs thereof," that we must believe some evil and irresponsible advisers have put into your Excellency's hand a mutilated copy of our constitution. We cannot reconcile your present declaration with the reply to your late Executive Council, in which your Excellency distinctly admits that the most liberal construction which can possibly be put upon that Act amounts to this, "that as an Executive Council was evidently intended to exist, the remnant of the old ought not to be deemed totally extinct, until its successor was appointed. However, this latest intention of His Majesty to create a Council for each of the provinces of his Canadian dominions was soon clearly divulged in a most important document, commonly called *"The King's Instructions,"* in which the Executive Council was regularly constituted and declared as follows: "Whereas We have thought fit that there should be an Executive Council for assisting you, or the Lieutenant-Governor, or person administering the government of the said province of Upper Canada," * * * * * "and to the end that our said Executive Council may be assisting to you in all *affairs relating to our service,* you are to communicate to them such and so many of our instructions, *wherein their advice is mentioned to be requisite,* and likewise all such others from time to time as you shall find convenient for our service to be imparted to them."

It is therefore as plain as law can be written, that the constitutional Act provided for the appointment, by His Majesty, of an Executive Council, and that the King has accordingly created such a Council, "to the end that they might be assisting to your Excellency in all affairs relating to His Majesty's service." This Council, so organised, is now as much a part of our constitution as the great Council of Parliament. The law allows the people to elect the House of Assembly, and gives the King the power of summoning whom he pleases to the Legislative and Executive Councils: all are alike created or provided for by this Act, though it does not specify by name the particular individuals to constitute either of them.

We welcome the concession of your Excellency to the merit of the able and enlightened *Simcoe*, to whose memory we would cheerfully erect a monument. We never said that that justly revered representative of the King either did or could alter the law. But we still think that an able and enlightened man, who assisted in passing the law, amidst all the debates upon it, and who was first commissioned to put it into operation amongst us, was of all men best qualified to explain that law, and its intended scope and application. *Simcoe*, with all his personal knowledge about the law and lawgivers, declared that it was intended to give us, not a mutilated constitution, but one "the very image and transcript of that of Great Britain." Your Excellency, on the contrary, after the lapse of nearly half a century, asserts, that neither the law nor the lawgivers (of whom *Simcoe* was one) ever gave, or intended to give what *Simcoe*, in the name of the King, solemnly announced from the throne.

In England, our fellow subjects have a King, with his Executive Council (commonly called his Privy Council), a House of Lords and a House of Commons. In this country we have corresponding institutions, viz., a representative of the King, with an Executive Council, a Legislative Council and a House of Assembly. We only ask that these institutions should be put into operation in a manner corresponding to what is practised in England; and, consequently, that the Executive Council, under oath, should as fully and freely advise your Excellency on affairs here, as the Privy Council, under oath, advise His most gracious Majesty. This is what the Constitutional Act implies; it is what *Simcoe* announced; it is what our liberties require; and what nothing, without our own consent, can lawfully abridge or take away.

If your Excellency will not govern us upon these principles, you will exercise arbitrary sway, you will violate our charter, virtually abrogate our law, and justly forfeit our submission to your authority.

We have the honour to be, Sir,

Your Excellency's obedient humble Servants,

(signed)

Jesse Ketchum,

James H. Price,

James Lesslie,

Andrew MacGlashen,

James Shannon,

Robert MacKay,

M. MacLellan,

Timothy Parsons,

Wm. Lesslie,

John Mills,

E. T. Henderson,

John Doel,

John E. Tims,

Wm. J. O'Grady.

Appendix.

Rejoinder from
Citizens of Toronto
to Reply of Lieut.-
Governor.

(T.)

Appendix.

Sir,

Front Street, 12th April 1836.

Letter from
R. Baldwin, Esq. to
Peter Perry, Esq.

IN answer to your letter of this day, in which, after referring to a paragraph in the Lieutenant-Governor's Reply to the Address from the citizens of Toronto, you add, "as you and your late colleagues are charged with having first entered into an arrangement clearly forewarning you of the extent to which you would be counselled, and then altogether in a body disputing it, I write this communication, that you may give any justification of your conduct you may desire," I beg to state, that the expressions to which you allude, seem to be understood by the Committee in a sense much more extensive than could have been intended by the Lieutenant-Governor, for though, as stated in my letter to you of the 16th ultimo, his Excellency frankly avowed his dissent from my views of the constitution, so far from his giving me the least reason to suppose that I was never to offer my advice, except when called upon for it, or that my view of the practical administration of the Government under the constitution was not again to be recurred to, he himself "suggested, as an inducement to me to accept of a seat in the Council, the increased facilities which, by my place in the Executive Council, *would be afforded towards the more efficiently representing and urging* my views, his Excellency declaring that his doors should at all times be open to me, and that he should be happy to listen and give his most serious consideration to *any subject* which I might at any time think it important to lay before him." And indeed the whole tenor of my official intercourse with his Excellency was inconsistent with the presumption that my advice was never to be given except it was asked.

Another circumstance, which would seem to show that a sense has been put upon the Lieutenant-Governor's words which they could scarcely have been intended by him to bear, is, that his Excellency alleges "that we parted on a point of dry law," he could not therefore intend to impute to us the breach of any agreement, either express or implied.

Again, his Excellency more than once declared that he should not have been at all surprised had the representation proceeded from me. Whereas, had it been any breach of a supposed previous understanding, I was as much a party to that understanding as either of my colleagues, Mr. Dunn or Dr. Rolph, and of course equally involved in the consequences.

But not to multiply reasons, I need only add, as finally conclusive upon this subject, that his Excellency's words, understood in the sense alluded to, would be wholly inconsistent with the fact. It was never understood previous to our being sworn in, nor did any thing whatever transpire previous to that period which could have given his Excellency any ground for supposing it to be understood by us either that we were not to offer our advice whenever we thought it proper to do so, or that the subject of the adoption of my views of the constitution was to be dropped.

In fine, I can safely assert, that had his Excellency given me the slightest hint that he expected that I was never to offer my opinion except when required to do so, I should have unhesitatingly rejected the proposal to join the Executive Council on such terms; but the whole tenor of the conversations which I had the honour of holding with his Excellency previous to my being sworn in, to say nothing of the express assurances above alluded to, excluded such a supposition from once suggesting itself to my mind. I therefore feel bound to state, that any other construction put upon the terms on which I accepted office, than such as is to be gathered from the statement contained in those paragraphs of my former letter above quoted, is wholly erroneous.

I have the honour to be, Sir,

Your obedient, humble servant,

Robt. Baldwin.

To P. Perry, Esq.

Chairman of the Committee, &c. &c.

Committee Room, 13th April 1836.

Robert Baldwin, esq. called in, and Examined.

Evidence of
R. Baldwin, Esq.

Q. 1. On what day were the Hon. John Henry Dunn, Dr. Rolph and yourself, sworn into office as executive councillors?—A. On Saturday, the 20th of February last.

Q. 2. Was the Lieutenant Governor's note to you, a copy of which you appended to your letter to Mr. Perry of the 16th of March last, received by you previous to your being sworn in?—A. It was not.

Q. 3. When was it received?—A. At ten o'clock in the evening of the day on which we were sworn in. But I was given to understand that an accidental circumstance had occasioned its not having been delivered at an earlier period on the same day.

Q. 4. Is it such a note as you had reason to expect from the conference mentioned by you in your letter to Mr. Perry, in which it was settled to be written?—A. I conceive not; I cannot pretend to recollect the exact terms of the draft written by his Excellency on that occasion, and then read to us; but I do not hesitate to say, that it materially differed from the note I afterwards received. Dr. Rolph happened to be with me at the time I received the note, and I at once expressed my entire dissatisfaction with its contents, and proposed taking it back to the Lieutenant Governor, and refusing to receive it. I was, however, persuaded by Dr. Rolph and Mr. Dunn, whom I called to see upon the subject on the Monday after, that as it could not be that his Excellency intended any thing disingenuous by

by us; and as the public would, no doubt, put, a liberal construction upon the letter, it was better, more particularly as we had been actually sworn in, to let it pass without further difficulty. I must, however, add, that when the draft was read over to us by his Excellency, as he did not seem quite satisfied with the wording, it was understood that he was at liberty to alter its phraseology, retaining, of course, its spirit and substance; and I certainly attributed the difference between the draft read to us and the note which I afterwards received, entirely to his Excellency's being unable, from his want of practical acquaintance with political life, fully to comprehend the difficulties which I felt in yielding to his request to join his council, and not to the slightest desire on his part to deviate from the spirit of the understanding. Such was certainly my impression at the time; but had I supposed it possible that such application of the unexpected terms in which his Excellency's note was couched, as is now attributed to his Excellency, could have been intended, I should certainly have returned the note, and insisted on such a one as I had reason to expect; or if this had been refused, have resigned on that ground alone.

Q. 5. In what respect do you conceive the draft read to you and the note afterwards sent to differ?—*A.* The draft was more explicit as the unfettered terms upon which I took office; and although I could not say it contained no declaration of the confidence his Excellency would place in our advice when "required," it was by no means the prominent feature in the draft; and I can safely say could only have been understood both by myself and my colleagues merely as a general expression of confidence, and not as a limitation of the duties expected of us; and I feel convinced that his Excellency could have used it for no other purpose, because he had no reason to suppose that we could have understood it in any other, and to imagine the contrary would be to attribute to his Excellency that he made use of terms to us to which he applied one sense at a time when he knew us to receive them in another, without explaining the sense in which he intended them to be understood.

Q. 6. It appears from his Excellency's answer to the Address of the House of Assembly of the 26th of March, that the note which he wrote to you, of which the following is an extract, "I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it," was written during the negotiation between his Excellency and the Council previously to their taking office, and, in fact, was part of the negotiation, and implies that it contained the conditions of their taking office, and that they took office after the communication of that note. Is that the case, and is that the true inference according to your understanding?—*A.* For the facts I refer to my previous answers and my letter to Mr. Perry of the 16th ult., and as to the inference, it is of course a matter of opinion; but I cannot for my own part suggest any construction of the passage referred to consistent with those facts.

Q. 7. Were any steps taken having a tendency to guard against the divulgement of the proceedings in Council upon this matter?—*A.* The oath of office was administered to the under clerks in the council office, it having been ascertained on inquiry that they had not previously been sworn to secrecy.

Q. 8. It has been alleged that his Excellency, in his reply to the city corporation, intended to be understood as referring to the late Council, when he represented that the new theory respecting the powers of the Executive Council "had been secretly promulgated." Is such a charge warranted by the fact?—*A.* As far as regards myself, I distinctly assert that it is not the fact, and I have no doubt that it is not the fact as respects any of my former colleagues.

Dr. Rolph, called in; and Examined.

Question 1. ON what day were the late Executive Council, of which you were a member, sworn in?—*Answer.* On the 20th of February last.

Evidence of
Dr. Rolph.

Q. Have you any knowledge of a letter addressed by his Excellency to Mr. Robert Baldwin, relative to the terms on which you and your colleagues took office? if so, state what you know?—*A.* I was present with Mr. Robert Baldwin and the honourable Mr. Dunn on the 19th of February last, at the Government House, when Mr. Robert Baldwin informed his Excellency that we were desirous before joining the Executive Council to receive a written assurance from his Excellency of the unfettered terms upon which we entered into office, lest it should be supposed by the public that in doing so we had compromised the principles which we have heretofore avowed and acted on. To this suggestion his Excellency acceded, and drafted a note to that effect, adding, that as the phraseology might be improved, he would without delay prepare and transmit it to Mr. Baldwin, who would send copies to me and Mr. Dunn. We were sworn into office in the afternoon of the following day, and I heard nothing more of this letter (except the uneasiness of Mr. Baldwin at not having received it) until 10 o'clock at night, when I was in company with Mr. Baldwin, and the letter was received. Upon reading it, Mr. Baldwin immediately noticed, as I did myself, the unexpected change, not only in the language, but in the substance of the letter, and Mr. Baldwin would have returned it, had I not expressed my reluctance to question the ingenuousness of the Lieutenant-Governor, and enter upon a discussion which might seriously interfere with the harmony of the Council. Had I supposed that the word "require" could have been intended to abridge the great and unlimited latitude before given by his Excellency, I should certainly not have consented to be sworn into office had the letter been received on the 19th, and I should have resigned on receiving a copy of it on the 22d from Mr. Baldwin. The sole object of the letter, and it was intended to embrace, was the admission that we joined the Council without changing our principles.

Appendix.
—
Evidence of
Dr. Rolph.

Q. 3. It appears from his Excellency's answer to the Address of the House of Assembly of March 26th, that the note which he wrote to Mr. Baldwin, of which the following is an extract — "I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it,"—was written during the negotiation between his Excellency and the Council previously to their taking office, and in fact was part of the negotiation, and implies that it contained the conditions of their taking office, and that they took office after the communication of that note; is that the case, and is that the true inference according to your understanding?—A. I confess I understand the passage given me to read to mean that the letter sent to Mr. Baldwin was the conclusion of the negotiation on the part of his Excellency, and intended to convey to Mr. Baldwin, for the information of himself and his colleagues, the terms upon which his Excellency would accept our services, and that after the receipt of that letter we went into office on those terms and then disputed them. But such certainly was not the case: the letter in question was wholly independent of the negotiation, and not even mentioned till it was so far concluded that we waited on his Excellency on the 19th merely to receive a more formal and united invitation to his Council. We did then receive such an invitation, and the object of the letter was then suggested by Mr. Baldwin, and promised by his Excellency, for the simple purpose of enabling Mr. Baldwin and his colleagues to repel any presumption of abandoning their principles on taking office.

Q. 4. Were any steps taken having a tendency to guard against the divulgement of the proceedings in Council upon this matter?—A. The junior clerks were sworn to secrecy, as it had not before been done.

Q. 5. It has been alleged that his Excellency in his reply to the City Corporation, intended to be understood as referring to the late Council, when he represented that the new theory respecting the powers of the Executive Council "had been secretly promulgated;" is such a charge warranted by the fact?—A. It is wholly unfounded as regards myself, and every thing which passed between me and other members of Council satisfies me that it is as equally unfounded as respects them.

(U.)

To His Excellency, Sir *F. B. Head*, Knight, Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please Your Excellency,

Address from
Grand Jury to
Lieut.-Governor.

WE, the undersigned grand jurors, representing the Home district at the Spring Assize now holding, respectfully beg to assure your Excellency that the liberal policy designed to be pursued, and the paternal solicitude manifested by His Majesty's Government towards this province, as communicated to the Legislature soon after your arrival here, have been hailed by us as the harbingers of our prosperity and happiness.

We greatly regret that a system of political excitement hath of late years been organized in this province, engendering bitter animosities in the breasts of those whose welfare and happiness imperiously require that they should dwell together in amity; and producing party feuds too frequently ending in breaches of the peace. We are well aware that the prevalence of this system has already produced results unfavourable to the development of our internal resources and to the introduction among us of the redundant wealth and population of Great Britain; but the recent expressions of confidence in your Excellency's administration which we have heard, and in which we cordially concur, lead us to hope that the people will not long remain blinded to their own interests, but will be convinced that the most effectual mode of serving themselves consists in upholding the constitution, and directing their attention to the improvement of the land we live in, rather than to the consideration of abstract questions of government, and of theoretical changes in our constitution; changes in which very many well-educated members of the community discover no elements of good, but discern, on the contrary, the seeds of discord and confusion, producing in due season the dismemberment of this colony from the parent State, and the establishment therein of democratic institutions, uncongenial to the habits and sentiments of its British population.

We would have felt a difficulty, particularly as our especial duty is of a judicial character only, in thus expressing our opinions to your Excellency, were we not confident that they are participated in by a numerous body of the freeholders in the district we represent.

J. S. Macaulay (Foreman).
Æ. Moodie.
William Crookshank.
Andrew Mercer.
G. W. Thomson.
Francis Boyd.
John Ellah.
Silas Burnham.

Thomas D. Harris.
Alexander Burnside.
Thomas Cooper.
William Campbell.
W. Laughton.
George Gurnett.
George B. Willard.
E. O. Gapper.

(A true Copy,)

J. Joseph.

HIS EXCELLENCY'S REPLY.

Gentlemen,

Appendix,

If the important object I have in view were to obtain applause, nothing could be more gratifying to my feelings than the approbation of so well-educated a body of gentlemen as the grand jury of the Home district; but, without offence, I must declare that the strict performance of my duty requires that I should neither be stimulated by popularity nor deterred by clamor. In maintaining the liberties of the inhabitants of this province, but little has been left by our Sovereign either to my judgment or discretion, and if it be true, "that the recent expressions of confidence in my administration which you have heard, and in which you cordially concur, lead you to hope that the people will not long remain blinded to their own interest," this happy effect has proceeded from no exertions of mine, but simply from my having repelled our enemies by pointing to the constitutional Act of this province.

If that noble charter had not existed, there can be no doubt but that the representative of His Majesty would have been overcome, and that the inhabitants of Upper Canada would now be under the ignominious tyranny of a secret metropolitan "Cabinet;" but your Constitution has proved to be impregnable, and at this moment no people bewail the fact more keenly than those who have lately been nearly crushed in their endeavours to undermine it.

(A true Copy.)

J. Joseph.

Reply of Lieut.-
Governor to
Grand Jury.

UPPER CANADA.

EXTRACTS from a DESPATCH of the 21st April
1836 from Sir *F. B. Head* to Lord *Glencly*;—also,
COPY of an ADDRESS to The KING from the
HOUSE OF ASSEMBLY.

(*Sir George Grey and Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
30 June 1836.

[*Price 1s.*]

UPPER CANADA.

RETURN to an Address of the Honourable The House of Commons,
dated 4 July 1836 ;—for,

COPY of Sir *F. B. Head*'s DESPATCH of 28th May 1836, enclosing COPY of a
GAZETTE EXTRAORDINARY, notifying the DISSOLUTION of the PROVINCIAL
PARLIAMENT.

Colonial Department, }
8 July 1836. }

G. GREY.

MY LORD,

Toronto, 28th May 1836.

I HAVE the honour to transmit to your Lordship a copy of a Gazette Extraordinary, by which it will appear that I this day dissolve the Provincial Parliament. The new elections will be concluded on the 27th of June.

The number of signatures attached to the loyal Addresses I have received already amount to 24,100. Many others are on their way.

I have, &c.

The Lord Glenelg,
&c. &c. &c.

(signed) *F. B. Head.*

UPPER CANADA GAZETTE EXTRAORDINARY.

TORONTO, Saturday, 28th May 1836. By Authority.

PROCLAMATION, UPPER CANADA.

F. B. Head, Lieutenant Governor.

WILLIAM the FOURTH, by the Grace of GOD of the United Kingdom of Great Britain
and Ireland King, Defender of the Faith, &c. &c. &c.

To our beloved and faithful Legislative Councillors of our Province of Upper Canada, and to our Knights, Citizens and Burgesses, of the House of Assembly of our said Province, called and chosen to our present Parliament of our said Province, and to all our loving Subjects to whom these Presents shall come, Greeting :

WHEREAS We have thought fit, by and with the advice of our Executive Council of our Province of Upper Canada, to dissolve the present Provincial Parliament of our said Province, which stands prorogued to the Fourth day of July now next ensuing.

NOW KNOW YE, That We do, for that end, publish this our Royal Proclamation, and do hereby dissolve the said Provincial Parliament accordingly. And the Legislative Councillors, and the Knights, Citizens and Burgesses, of the House of Assembly, are discharged from their meeting and attendance on the said Fourth day of July next ensuing.

In testimony whereof, We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed.—Witness, our trusty and well-beloved Sir *Francis Bond Head*, K. C. H. &c. &c. &c. Lieutenant Governor of our said Province, at Toronto, this Twenty-eighth day of May, in the year of our Lord One thousand eight hundred and Thirty-six, and in the Sixth year of our Reign.

F. B. H.

Samuel P. Jarvis, Clk. Crown in Chancery.

By Command of His Excellency in Council,

D. Cameron, Secretary.

PROCLAMATION, UPPER CANADA.

F. B. Head, Lieutenant Governor.

WILLIAM the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. &c. &c.

To all to whom these Presents shall come, Greeting:

WHEREAS We are desirous and resolved, as soon as may be, to meet our People of our said Province of Upper Canada, and to have their advice in Provincial Parliament; We do make known our Royal will and pleasure, and We do hereby summon and call together an Assembly in and for the said Province, to meet on the Sixteenth day of July now next ensuing: And We do hereby further declare, that with the advice of our Executive Council for the affairs of this Province, We have this day given orders for the issuing out Writs in due form, for summoning and calling together an Assembly in and for the said Province, which Writs are to bear teste the Twenty-eighth day of May instant, and to be returnable on the Sixteenth day of July now next ensuing.

In testimony whereof, We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed.—Witness, our trusty and well-beloved Sir *Francis Bond Head*, K. C. H. &c. &c. &c. Lieutenant Governor of our said Province, at Toronto, this Twenty-eighth day of May, in the year of our Lord One thousand eight hundred and Thirty-six, and in the Sixth year of our Reign.

F. B. H.

Samuel P. Jarvis, Clk. Crown in Chancery.

By Command of His Excellency in Council,

D. Cameron, Secretary.

UPPER CANADA.

COPY of Sir *F. Head's* DESPATCH of 28th May
1836, enclosing COPY of a GAZETTE EXTRA-
ORDINARY, notifying the DISSOLUTION of the
PROVINCIAL PARLIAMENT.

(*Sir George Grey*.)

Ordered, by The House of Commons, to be Printed,
11 July 1836.

LORD AYLMER.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 28 June 1836;—for,

COPIES of Lord *Aylmer's* DESPATCHES on 5th March 1834, addressed to the
Right Honourable *Edward Stanley*, and of the 18th March 1835, addressed
to the Earl of *Aberdeen*.

Colonial Department, }
29 June 1836. }

G. GREY.

(*Lord Viscount Ebrington.*)

Ordered, by The House of Commons, to be Printed,
30 June 1836.

[*Price 6d.*]

SCHEDULE.

- No. 1.—Copy of a Despatch from Lord Aylmer to Mr. Secretary Stanley, dated Castle of St. Lewis, Quebec, 5 March 1834 (12 Enclosures) - - - - - p. 3.
- (1.) Copy of a Message sent down to the Assembly on the 13th January 1834, relative to the failure of the Supply Bill for 1833 - - - - - p. 11.
- (2.) Copy of a Message sent down to the Assembly on the 13th January 1834, with an Extract of a Despatch from the Secretary of State relative to the Expulsion of Mr. Mondelet from the Assembly during the last Session - - - - - p. 11.
- (3.) Copy of a Message sent down to the Assembly on the 14th January 1834, with an Extract from a Despatch from the Secretary of State relative to the Address of the Assembly to The King during the last Session, praying His Majesty to sanction a National Convention - - - - - p. 13.
- (4.) Copy of a Message sent down to the Assembly on the 18th January 1834, in answer to their Address for an advance of 7,000*l.* towards defraying their contingent Expenses, and Report of the Committee to whom that Message was referred - - - - - p. 13.
- (5.) Resolutions adopted in the Assembly on the 21st February 1834 upon the state of the Province - - - - - p. 16.
- (6.) Resolutions proposed by Mr. Neilson in amendment of those adopted by the House on the 21st February 1834, with the division thereon - - - - - p. 31.
- (7.) Resolutions adopted in the Assembly on the 29th November 1831 upon Viscount Goderich's Despatch of the 7th July 1831 being communicated to them - - - - - p. 32.
- (8.) List of the Legislative Council, showing the dates and modes of appointment of the Members, and whether they hold any other Offices - - - - - p. 33.
- (9.) Substance of Addresses from the Assembly to the Governor-in-Chief during the present Session, praying for information upon various subjects, with his Excellency's Answer - - - - - p. 34.
- (10.) Statement showing the Amount of the Expenses of the Civil Government for the year 1833, the Amount which was paid on account thereof, and the Balance remaining unpaid in consequence of the failure of the Supply Bill - - - - - p. 35.
- (11.) Statement showing the probable Amount of the Revenues which have hitherto been considered at the disposal of the Crown, and of the Amount of the Estimate for the Expenses of the Civil Government for the year ending 10th October 1834 - - - - - p. 36.
- (12.) Statement showing the Amount of the different Estimates for the Expenses of the Civil Government from 1829 to 1834 inclusive - - - - - p. 36.
- No. 2.—Copy of a Despatch from Lord Aylmer to the Earl of Aberdeen, dated Castle of St. Lewis, Quebec, 18th March 1835 (Four Enclosures) - - - - - p. 37.

COPIES of Lord *Aylmer's* DESPATCHES on 5th March 1834, addressed to the Right Honourable *Edward Stanley*, and of the 18th March 1835, addressed to the Earl of *Aberdeen*.

— No. 1. —

Sir,

Castle of St. Lewis, Quebec, 5 March 1834.

IN my despatch of the 13th January, and of the 22d of the same month, I had the honour of reporting to you the opening of the Session of the Provincial Parliament of Lower Canada, on the 7th of January, and the failure of Mr. Bourdage's attempt to prevent the House of Assembly from proceeding to business, by reviving their Resolutions of last Session, to hold no further intercourse with me, in consequence of my refusal to sign a writ for the election of a Member of the House of Assembly, in place of the Honourable Dominique Mondelet, who had been deprived of his seat on the authority of a Resolution of the House, for having accepted the office of Executive Councillor.

Immediately upon receiving the Address of the House of Assembly in answer to my opening Speech, I sent down (on the 13th January) two messages, one relating to the financial difficulties of the Local Government, and another communicating the views of His Majesty's Government regarding the case of Mr. Mondelet; and on the following day (the 14th of January), I sent down another message to the House of Assembly, conveying the answer of His Majesty's Government to the Address of the House (transmitted towards the close of last Session), upon the subject of the Legislative Council. Copies of the three messages above mentioned will be found amongst the accompanying documents.

No. 1.

No. 2.

No. 3.

Instead of proceeding at once to the consideration of the financial difficulties of the Local Government, which in obedience to the instructions received by me had been so urgently pressed upon their early attention, a call of the House was ordered for a distant day (the 15th of February), for the purpose of taking the state of the province into consideration. This proceeding appeared the more remarkable, from the circumstance of a very considerable number of the Members being present in their places; very few, in fact, were absent when the call of the House was ordered.

This delay in entering upon the consideration of a subject to which so much interest was attached by His Majesty's Government, and which, in fact, was of vital importance, was not calculated to create very sanguine expectations as to the disposition of the House of Assembly to relieve the financial difficulties of the Local Government; it inspired me, on the contrary, with serious apprehensions for the result, which were not a little increased when, not many days afterwards, an Address was presented to me from the House of Assembly, praying for the issue of my warrant for 7,000*l.* on account, towards defraying their contingent expenses.

This eagerness to provide for their own wants, whilst the consideration even of those of the Government was deferred to a distant day, excited in my mind (I must confess) sinister suspicions as to the ultimate intentions of the House. I decided, therefore, to decline incurring any further responsibility in making the advance applied for; and without entering into the whole of my motives for doing so, in my answer to their Address, I assigned such as appeared to me sufficient to justify my refusal; these will be found stated in my Message in answer to the Address of the House of Assembly, to which I take leave to call your particular attention, as well as to the Report of the Committee to which it was referred, because of the importance which has been attached to this subject by the House of Assembly, in the 92 Resolutions subsequently adopted by them.

No. 4.

To have made a large advance by means of an accountable warrant, to relieve the House of Assembly from the pressure of engagements entered into for their

own purposes, at a moment when the officers of Government were labouring under the most serious embarrassments, and some of them almost in a state of destitution for want of the salaries to which they are justly entitled in remuneration of their services, appeared to me to be an act which would have justly exposed me to the reproach of having sacrificed their interests to an unmerited compliance with the wishes of the House of Assembly.

But this is not all. The House of Assembly had during the last Session received upon their Addresses nearly the whole amount of the estimate of their contingent expenses for the year ending in October 1833, which estimate, it is to be observed, is included in the general estimate of the expenses of the civil government, and the administration of justice for that year still remaining to be provided for by legislative enactments; and it appears, moreover, by an official statement of the contingent expenses of the Assembly, published towards the close of last year, that the House had contracted engagements or incurred expenses to nearly the amount of the advance (7,000*l.*) above referred to, which statement included salaries and allowances not recognized by legal enactments, and which therefore could not have been admitted in any issue made to the House; so that even supposing I could have felt justified in waiving the objections stated in my answer to their address, and the other objections arising out of my regard for the interests of the public officers as above stated, I must have fallen at once into another difficulty, caused by the items of illegal salaries and appointments, included in the statement of the expenses of the House, unless (which my experience of the House of Assembly could hardly justify me in anticipating) they could have been induced to forego the right they have assumed to create offices, and to assign salaries and appointments upon their own single authority.

Such were the circumstances under which I felt bound to withhold my warrant for the issue of 7,000*l.* on the application of the House of Assembly. Their own Committee, in their Report (of which a copy is herewith transmitted), have clearly pointed out the course by which the House might at least have attempted the removal of my objections to a compliance with their wishes; but instead of adopting that course, the House have preferred adding this to the mass of complaints contained in their 92 Resolutions, which I shall have occasion to notice presently.

No. 7.
No. 6.
In obedience to the Order for the call of the House, the names of the Members were called over on the 15th ultimo; three only were found absent, and those who answered to their names amounted to 83. Little business was done for some days, during which a long set of Resolutions were in preparation, which were on the 18th ultimo, to the number of 92, laid upon the table of the House. On the 19th the House in Committee proceeded to the consideration of the Resolutions, when it was moved by Mr. Neilson, to substitute others in place of them: his motion was lost, however, by a large majority. The whole of the 92 Resolutions have been since passed in a Committee of the whole House, concurred in by the House, without amendment, and referred to a Committee, with instructions to draft an Address upon them, to the three branches of the Imperial Parliament.

The division upon the question of concurrence in the House, was 56 for, and 24 against the Resolutions.

It is a circumstance deserving notice, that Messrs. Neilson and Cuvillier, two of the three Members (the third, the Honourable D. B. Viger, now a Legislative Councillor, is absent from the province) deputed to England in 1828, to support the petitions addressed to the Imperial Parliament by the people of this province, voted with the minority.

No. 7.
I have now the honour of transmitting a copy of these 92 Resolutions; but before I proceed to offer any observations upon them, I cannot avoid pointing out to your notice the extraordinary change which has taken place in the sentiments and views of the House of Assembly of Lower Canada within the last few years, as more particularly appears by their Resolutions upon the despatch of Viscount Goderich, of the 7th of July 1831, a copy of which Resolutions, dated 24th November 1831, is herewith transmitted, commencing with the following words: "Resolved, That this House views with sentiments of gratitude the gracious expressions of His Majesty's paternal regard for the welfare and happiness of His subjects in this province, and the proofs of a just and liberal policy towards them, contained in the despatch of His Majesty's Principal Secretary of State for the Colonial Department, dated the 7th July last," &c.

The

The whole tenor of the 92 Resolutions now transmitted is unhappily not only at variance with the Resolutions above referred to, but is calculated to excite at a distance the most lively apprehensions for the tranquillity of the province, which I am eager to anticipate with the assurance that no just grounds exist for entertaining any such apprehensions.

When a grave and deliberative body like the House of Assembly, representing a population exceeding half a million of persons, expresses its hatred of the order of things to which it owes its political existence, and of the authorities entrusted with the management of its affairs, in violent and vituperative language, which would hardly be recorded in the proceedings of a tumultuous popular meeting, acting under the influence of highly excited feelings, it will very naturally be inferred that the whole population of the province must be in a most alarming state of agitation, and that the language of the House of Assembly is but an echo of the sentiments of the people loudly and vehemently expressed from one end of the country to the other.

It affords me great satisfaction, however, to be able to assure you, that the very reverse of this is the fact. The people of the province are everywhere perfectly tranquil; and I have no knowledge of any public meetings having taken place in connexion with the proceedings of the House of Assembly, although efforts have not been wanting to accomplish that object.

The vehemence of feeling which breathes throughout the 92 Resolutions of the House of Assembly is confined to the walls of that Assembly, and to a very limited number of individuals in certain parts of the country.

The main object which the House of Assembly appear to have in view, is to get rid of the constitution granted to this province by the wisdom of the British Parliament in the year 1791, in order to be at liberty to undertake the search after some other form of government better suited, as they pretend, to the wishes, manners and social habits of the people.

It would, I apprehend, be foreign to my duty, as the King's servant, deputed by His Majesty to administer the Government of this province according to the laws now in force, to follow the House of Assembly beyond the limits of the constitution; but it is necessary that I should notice the salient points of their Resolutions, in so far as they affect the local administration of the province, for the purpose of furnishing such facts and explanations as may be necessary to lead to a just estimate of the statements they contain. These points may be classed under eleven heads, which shall be considered separately, as follows:

1. The Legislative Council.
2. The Executive Council.
3. The Waste Lands of the Crown.
4. The case of Mr. Mondelet.
5. The Interference of the Military Force at Elections.
6. The Canada Tenures Act.
7. Control of the Revenue.
8. Withholding Public Documents by the Executive during the present Session.
9. Payments made by the Executive without lawful Authority.
10. Contingent Expenses of the House of Assembly.
11. Misconduct of Public Officers.

1. *The Legislative Council.*

Since the date of the Report of the Committee of the House of Commons upon the affairs of the Canadas, the recommendations of which Committee have until a late period been constantly invoked by the House of Assembly of Lower Canada, as containing remedies for the various evils of which they complain, and amongst others the composition of the Legislative and Executive Councils, the former of these bodies (the Legislative Council) has undergone important changes, all tending to render it more and more independent of the Crown than it was at the period above referred to. This fact is fully established by the following statement:

No. 8.

Two Legislative Councillors, puisne judges of the court of King's Bench for the district of Quebec (Messrs. Kerr and Bowen), have abstained from sitting and voting in the Legislative Council, on being informed of the determination of His Majesty not to appoint puisne judges to be Legislative Councillors in future.

The following additions have been made to the Legislative Council subsequent to the period above referred to, namely,

Messrs. the Honourable	
1. S. Hatt.	Appointed during the administration of Sir James Kempt.
2. D. B. Viger *.	
3. Louis Guy *.	
4. George Moffatt.	
1. R. de St. Ours *.	Appointed during the administration of Lord Aylmer.
2. Peter M'Gill.	
3. John Molson.	
4. M. P. de Sales Laterrière *.	
5. F. X. Malhiot *.	
6. J. Desaulles *.	
7. B. Joliette *.	
8. P. de Rocheblave *.	
9. R. Harwood.	
10. A. Couillard *.	
11. Horatio Gates.	
12. R. Jones.	
13. J. Baxter.	
14. Frs. Quirouet *.	

In all 18; of whom 10 (their names are marked by an asterisk) are of French origin, or as they are usually styled in this province (unhappily, I think, as tending to keep up national distinction), French Canadians, to distinguish them from Canadians of a different origin.

Not one of those 18 gentlemen holds office, or is in any way connected with or dependent upon the Government of the Province.

The actual state of the Legislative Council is as follows: it consists of 35 Members, taken from the most opulent and respectable classes of society, of various origin, in different parts of the province, of whom seven only hold office, including their speaker (the chief justice of the Province), and the Lord Bishop of Quebec, who is rarely present at the deliberations of the Council.

It would be difficult perhaps to find in any British Colony a legislative body more independent of the Crown than the Legislative Council of Lower Canada; and so far am I from possessing, as the King's representative, any influence there, that I will not conceal that I have on more than one occasion regretted the course adopted by the council. But whilst I make this confession I will not deny but I have, on the contrary, much satisfaction in avowing that I repose great confidence in that branch of the Colonial Legislature; it is a confidence derived from my knowledge of the upright, independent and honourable character of the great majority of those who compose it, and of their firm and unalterable attachment to His Majesty's person and Government, and to the constitution of the colony as by law established.

My sentiments regarding the present Legislative Council are not of recent date, or displayed now to serve the purpose of the moment; they are already recorded more fully in my despatch of the 27th of March 1833, upon the Address of the House of Assembly to His Majesty of the 20th of March 1833, to render the Legislative Council elective, or to do away with it altogether; and to that despatch I now take the liberty of referring.

2. *The Executive Council.*

In enumerating the changes which have taken place in the Executive Council, I will refer, as in the case of the Legislative Council, to the date of the Report of the Committee of the House of Commons on the affairs of Canada.

The following are the changes alluded to as having occurred subsequent to that period.

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TO THE RIGHT HONOURABLE EDWARD STANLEY.

The chief-justice of the province (chairman) - - - Resigned.
 The Hon. Mr. Hale, receiver-general of the province - Resigned.
 The Hon. Mr. Justice Kerr, puisne judge of the court of
 King's Bench for the district of Quebec, and judge
 surrogate of the court of Vice Admiralty - - - Withdrawn.

The appointments and recommendations for appointments, subsequent to the period above referred to, are as follows; namely,

1. L. J. Papineau, speaker of the House of Assembly	-	} Recommended during the ad- ministration of Lord Aylmer.
2. J. Neilson	- - - - -	
3. P. Panet	- - - - -	
4. Dom. Mondelet	- - - - -	
5. Hugues Heney	- - - - -	

Of the above-named gentlemen, Messrs Papineau and Neilson, for reasons assigned by them, respectfully declined the honour intended by His Majesty, of appointing them to be Members of the Executive Council.

The Hon. P. Panet took is seat and assisted at the deliberations of the Executive Council, until removed to the bench as a puisne judge for the district of Quebec.

The Hon. Mr. Mondelet is now an executive councillor, and has been deprived of his seat as a member of the House of Assembly by a resolution of the House, in consequence of his acceptance of that office.

And the Hon. Mr. Heney, now an executive councillor, is also a law clerk of the House of Assembly.

Four of the five gentlemen above named are of French origin, and it is a circumstance worthy of notice with reference to the complaints of the House of Assembly, of the "vicious composition" (as they allege) of the Executive Council, that these gentlemen were all members of the House of Assembly, and all belonged to what is termed the popular or Canadian party in that House.

I have already, in the several communications which I have had the honour of addressing to the Secretary of State for the Colonial Department, of the following dates, 15th July 1831, No. 61; 5th May 1832, No. 39, and 13th December 1832, No. 103 (and to which I now take the liberty to refer), taken occasion to remark upon the functions of the Executive Council, and upon the difficulty of obtaining the services of competent persons as Members of it, if the principle of excluding those holding other offices is to be acted upon; and I will therefore only observe, generally, upon the present occasion, that it appears to me highly desirable that the Executive Council should be divested of its functions as a Court of Appeals, but that it should still continue to be a board of final audit of public accounts, assisted by a subordinate board of audit, the establishment fo which would render the two distinct, and often conflicting, officers of inspector-general and auditor-general of accounts no longer necessary.

This subject has been already under the consideration of the Provincial Legislature, in furtherance of the recommendation of Viscount Goderich, communicated in his Lordship's despatch of the 1st of December 1830, and Bills have passed the House of Assembly, in each of the three last Sessions, for the establishment of a board of audit; but having been amended by the Legislative Council, these Bills have been ultimately lost, in consequence of the interference of the House of Assembly with the prerogative of the Crown, in naming in the body of the Bills the individuals (selected by the House) to compose the board, providing for their holding office during good behaviour, and for their removal from office on the single address of the House of Assembly.

3. *The Waste Lands of the Crown.*

The "fraudulent and illegal manner" in which the waste lands of the Crown are asserted by the House of Assembly to have been disposed of, appears to have no reference to dates; so that probably the charge embraces a long series of years, and certainly cannot be made to apply to the present time, since the governor of the province has not the power, such at least has been the rule ever since I have administered the government of it, to grant a single acre of the Crown lands with-

out the authority of the Secretary of State, previously obtained, or under regulations sanctioned by His Majesty's Government. As to the complaints of the House of Assembly, with reference to the establishment of a land company in England, and the transfer to that company of an extensive portion of those lands, I have only this observation to offer, that the right of the Crown to the disposal of the waste lands of the province, is a right acquired by conquest and confirmed by treaties.

4. *The case of Mr. Mondelet.*

The alleged interference of the Executive Government of the province with the privileges of the House of Assembly, during the last Session, in the case of Mr. Mondelet. This subject of complaint having been disposed of by His Majesty's Government, I will only here take the liberty of referring to the dates of my several despatches in relation to it, which with their accompanying documents will be found to contain ample information on that subject, as follows: November 29th 1832, No. 100; December 27th 1832, No. 105; March 20th 1833, No. 27.

5. *The interference of the Military force at Elections.*

The interference of the military force at elections, by which I apprehend is meant the employment of the military force, under the directions of the civil authorities in the suppression of a riot, which took place at Montreal, in the Month of May 1832, at the time when an election was going forward of a representative for the west ward of that city.

This, as well as the foregoing subject of complaint, on the part of the House of Assembly, having been already disposed of by His Majesty's Government, it will perhaps be sufficient merely to refer to the dates of my several despatches in relation to it, as follows; namely, 31st May 1832, No. 43; 6th June 1832, No. 46; 7th June 1832, separate; 7th September 1832, No. 76; 24th September 1832, No. 82.

It is, however, worthy of remark, that the House of Assembly has been engaged in a most laborious investigation of this subject during the whole of the last and present Sessions; and it is generally supposed that few, if any, witnesses have even yet been examined in disculpation of the parties implicated by the House; at all events, it is certain that the Committee of the whole House, which has been so engaged, have not yet made their report, and yet the subject of this solemn inquiry, still pending, is described in the Resolutions of the House of Assembly as "a sanguinary execution of the citizens by the soldiery."

6. *The Canada Tenures Act.*

It must be taken for granted that this subject was well and duly considered by His Majesty's Government before recommending it to the consideration of the Imperial Parliament. I will therefore only take the liberty of observing, that having been now for a considerable time in operation, the effects of the Tenures Act have become interwoven to a degree which must unavoidably increase every day with the concerns of the inhabitants of the province in relation to their property; and that the observance of extreme caution will therefore be necessary in making any attempt to alter or modify its provisions.

7. *Control of the Revenue.*

I have only to remark, under this head, that the House of Assembly assert a right to control the whole of the revenue raised in the province, without excepting the produce of the sales of the Crown lands, and of licences to cut timber.

8. *Withholding Public Documents by the Executive during the present Session.*

Amongst the accompanying documents will be found a statement of the substances of addresses of the House of Assembly, and of any answers presented to me since the commencement of the present Session, praying for information upon various subjects of local interest. They are 25 in number, to all of which favourable answers have been returned, excepting four instances, in which, for reasons which I am prepared to state if necessary, the information sought for was denied.

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But I must positively deny the truth of the assertion of the House of Assembly, that I have refused to interfere in cases where public officers have withheld (as they allege) information when required to furnish it. The opportunity of doing so has never been afforded me, since I have no knowledge through the means of any regular and Parliamentary communication of any such information having been withheld; nor do I believe it has been in fact withheld, but that, on the contrary, the public officers examined before the Committees of the House of Assembly, have shown the greatest readiness, as in duty bound, to furnish the desired information. Some (as I have been told) have very properly declined divesting themselves, without authority from the Executive Government, of the public documents in their charge, produced for the inspection of the Committees of the House of Assembly, for the purpose of leaving them in the hands of those Committees; and it is very obvious, that if the practice, which the House of Assembly appears desirous of establishing, were to obtain, a large portion of the public documents of the province would be transferred during an entire session to the Committee-rooms of the House of Assembly, to the great interruption of the ordinary business of the departments concerned, to say nothing of the risk of loss or damage to the documents themselves whilst in possession of the Committees.

9. *Payments made by the Executive without lawful Authority.*

It is asserted by the House of Assembly, in their seventieth resolution, that since the last Session of the Provincial Parliament, the Governor-in-chief of the province and the Members of the Executive Government have, without any lawful authority, paid large sums out of the public revenue, subject to the control of the House.

The payments here alluded to are evidently those which have been made during the last year, of part of the salaries of public officers, and on account of other public services, in pursuance of the instructions of His Majesty's Government, and under the authority of the existing laws of the province; no other payments have been made out of the public funds, excepting one connected with the public health, which has been sanctioned without hesitation by the House of Assembly during the present Session.

10. *Contingent Expenses of the House of Assembly.*

An application for the issue of a warrant for 7,000 *l.* during the present Session, towards defraying the contingent expenses of the House of Assembly, refused by the Governor. This subject has been noticed in the foregoing part of this despatch, to which it more properly belongs.

11. *Misconduct of Public Officers.*

The misconduct of public officers in the discharge of their duty. The wholesale assertions (if I may be permitted to use the expression) of the House of Assembly, imputing corrupt motives, and misconduct in the discharge of their duty, to persons in authority in the province, can only be met, in their present shape, by a general and unqualified contradiction.

I have already noticed the communications made to the House of Assembly, in pursuance of your instructions; first, in my speech at the opening of the Session, and afterwards by message, regarding the financial difficulties of the Local Government, caused by the failure of the Supply Bill of last year. It is with much regret that I have now further to report that, for the result of these communications, I have only to refer to the 92d resolution of the House of Assembly, which directs that my message of the 13th of January, relating to the Supply Bill (along with others therein mentioned), shall be expunged from their journals.

This matter having been thus unceremoniously disposed of by the House of Assembly, it now devolves upon His Majesty's Government to provide for the exigencies of the public service in this province.

The accompanying memoranda, in which all details that appeared to be unnecessary have been avoided, will, I hope, be found to contain sufficient information for that purpose.

I cannot here avoid most earnestly to solicit the early attention of His Majesty's Government to this important subject; for our daily increasing difficulties are such

No. 10.

No. 11.

No. 12.

as to excite lively apprehensions for the very existence of the King's Government in the province, from the want of means to carry on its ordinary operations.

The salaries of some of the public officers are now 10 months, and of others 13 months, in arrear. To alleviate in some degree their distress, arising from this unprecedented circumstance, I purpose making a similar advance to that authorized by your despatch of the 6th of June 1833, No. 13, to be charged upon the same funds, being those which are at the disposal of the Crown towards defraying the expenses of the civil government and the administration of justice. But this can only prove a temporary relief; and unless speedily followed by the payment of the balance due on account of their salaries, will not effectually relieve the distresses of the public officers.

Without entering further than has been already done incidentally, in the foregoing part of this despatch, into the various subjects of complaint against myself, interspersed throughout the 92 resolutions of the House of Assembly, I think it necessary to make one brief remark in relation to the 85th resolution, wherein the House of Commons is called upon to bring and to support impeachments against me before the House of Lords, which is this: that, whenever called upon by competent authority, I shall be found prepared to defend my administration of the government of this province, at all points and upon the shortest notice, against any specific and intelligible charges that may be brought against it.

But I hasten to quit this subject, for the guilt or innocence of an individual is of little importance compared with the great interests of the province now at stake; and I take leave most anxiously and earnestly to beseech His Majesty's Government to consider, that to whatever causes the present state of Lower Canada may be truly ascribed, whether to vices in the administration of its affairs past and present, to the disappointed ambition of factious and evil designing men, or to other causes inherent in the structure of its society, this at least is certain, that the affairs of this noble province have been brought into such a condition, that unless the Imperial Parliament can be induced to interpose its supreme authority in relieving the Local Government from the difficulties with which it is encompassed, and in providing against the recurrence of them hereafter, the authority of the King's Government in the province must be virtually extinguished, and the institutions of the country set adrift under the guidance of those heads in which the 92 resolutions of the House of Assembly were engendered.

The disrespectful reception given to His Majesty's gracious communications, by the existing House of Assembly on various occasions, has not escaped the notice or the animadversions of His Majesty's Government, and the same marked disrespect is to be traced in certain proceedings of that assembly regarding myself; these certainly would have drawn from me appropriate remarks in my communications to the House of Assembly, had I not been withheld by important considerations arising out of the peculiar circumstances of the colony.

The true character of the dominant party in the House of Assembly has long been known to me, and I have always been thoroughly persuaded that it was only by suffering that party to pursue, without interruption, the headlong career upon which they had entered, that their schemes would be fully developed and made apparent to the public; time and patience alone were wanting to bring about this desirable result, which at length has been accomplished through the means of their own acts. The party which has so long governed the House of Assembly may now be seen by all in their true colours. In their 92 resolutions, and the addresses of the House of Assembly, founded upon those resolutions, they have traced their own portrait, which is now held up by themselves to the view of His Majesty and the Imperial Parliament. This is enough; one single touch by another hand might injure the resemblance.

I have, &c.

(signed) *Aylmer.*

P. S.—I take the liberty of calling to your recollection, that the present Parliament of Lower Canada, which was convened in the month of October 1830, upon the demise of His late Majesty, will expire, under the provisions of the Constitutional Act of 1791, in the month of October next.

(signed) *A.*

Enclosure 1, in No. 1.

MESSAGE to the HOUSE of ASSEMBLY, relative to the failure of the SUPPLY BILL of last Year.

THE Governor-in-chief, in the speech with which he opened the present Session, apprised the House of Assembly that it would be his duty to make a special communication to them, in relation to the inconvenience which has been experienced in carrying on the public service in consequence of the failure of the Supply Bill for the financial year ending in the month of October last. He now has to inform the House that, although the inconvenience alluded to has been mitigated to a certain extent by the application of funds at the disposal of the Crown, the distress of the public officers, arising from the nonpayment of the salaries to which they are justly entitled in remuneration of their services, and the deficiency of available means towards carrying on the public service in other important branches of the administration, have at length brought the local government into such straits and difficulties, that unless speedily relieved through the intervention of the Legislature, the King's service and the interests of the province must inevitably be exposed to great and serious injury. In order to make the House of Assembly acquainted with the extent to which provisions will be required on account of the service of the financial year ending in October last, the accompanying statement has been drawn up, exhibiting the several items of the estimates sent down to the House during the last session, the amount since paid on account of each item, and the balance now remaining to be provided for.

The funds appropriated by acts of the Provincial Legislature, and others at the disposal of the Crown, for the support of the civil government and the administration of justice, which have been resorted to for the payments already made, are the following, namely:

Annual aid to His Majesty, by the Provincial Act 35th Geo. 3.

Proceeds of - - ditto - - ditto - - 41st Geo. 3.

Casual and territorial revenue.

Having thus far fulfilled his duty in laying before the House of Assembly the wants and difficulties of the executive government, the Governor-in-chief now informs the House, that having transmitted to the Secretary of State a copy of the Supply Bill, as it passed the Assembly, and was afterwards rejected by the Legislative Council, he has been instructed to point out the constitutional objections to which that Bill is liable.

The various conditions which require that certain officers should not be members of the executive or legislative councils, must be considered (in parliamentary language) "Tacks," the effect of which is to introduce changes in the laws by the decision of a single branch of the legislature. To tack to a bill of supply demanded by the exigencies of the State, a clause or enactment not properly connected with it, in order to compel the Crown or the upper house to make their choice between the loss of the supply with all the consequent mischiefs on the one hand, or the adoption of a measure which they disapprove on the other, is a practice which, though formerly attempted in the mother country, has long since discontinued, as directly tending to wrest from the King and the peers their share in the general legislation of Parliament.

Therefore, had the consideration of the very serious inconvenience sustained from the loss of the Supply Bill, induced the Legislative Council to sanction the bill of last year, in the form in which it left the House of Assembly, the Governor-in-chief has been given to understand that His Majesty could not have been advised to give his sanction to the enactment.

Nevertheless, the Governor-in-chief has been directed to express to the House of Assembly the readiness of His Majesty's Government to co-operate in rendering all public functionaries as independent as possible; but at the same time to mark the necessity for such provisions taking place by enactment, and not by resolution of one branch of the legislature.

Castle of St. Lewis, }
Quebec, 13 January 1834. }

Enclosure 2, in No. 1.

MESSAGE to the HOUSE of ASSEMBLY, relative to the expulsion of Mr. *Mondelet* during the last Session.

TOWARDS the close of the last Session, an Address from the House of Assembly was presented to the Governor-in-chief, praying that he would be pleased to communicate to the House the circumstances and reasons which had retarded the execution of the warrant for the issuing of a writ for the election of a representative for the county of Montreal, in the place of the Honourable Dominique Mondelet, Esq., whose seat was declared vacant by the House on the 21st of November 1832.

In answer to that address, the Governor-in-chief communicated to the House the fact of his having withheld his signature to the said writ, stating some of the motives which influenced him on that occasion, derived from the proceedings of the House itself in regard to the vacating of the seats of members who should accept office under Government; and the Governor-in-chief informed the House of Assembly that the subject of their

address had been referred by him to His Majesty's Government, praying for instructions for his guidance, which when received should be communicated to the House. The Governor-in-chief now informs the House of Assembly, that in answer to his reference he has received from the Secretary of State a despatch, from which the following extract in relation to the case of Mr. Mondelet is transmitted for the information of the House.

"I am in the first place to signify to you my entire approbation of your Lordship's conduct in declining to affix your name to the new writ for the election of a member for the county of Montreal in the room of Mr. Mondelet, whose seat had been declared vacant by a vote of the House of Assembly. Were I disposed to qualify in any measure this approbation, it would be to express my regret that an extreme, though not unnatural degree of caution should have led you to acquaint the House that you had referred the matter to the consideration of the Secretary of State; and that sanctioned by the opinions and advice of those whom you had very properly consulted, you should not have at once taken upon yourself to announce the decision which your own knowledge of the British constitution had led you so correctly to form. It is unnecessary for me to comment upon the tone and language adopted by the House of Assembly, in which they presume to dictate to the King's representative the occasion and the period at which, in their opinion, he ought to exercise the royal prerogative of dissolution, and hold forth the menace of ceasing to communicate with him, 'until he shall have made reparation for a breach of their rights and privileges.' My present purpose is to express the sentiments of the King's Government as to the assumption by the House of Assembly of 'rights and privileges' wholly repugnant to the practice and principle of Parliament, and incompatible with the maintenance of the British constitution. Such an assumption, I have no hesitation in declaring, the claim on the part of the assembly to vacate the seat of Mr. Mondelet, in pursuance of a forced construction of a resolution of their own House, notwithstanding the 'surprise' which they express, that your Excellency should not have known 'that your signature to a writ of election was simply and purely a ministerial act.'

"That your Lordship would not, except upon weighty considerations, desire to limit the authority of the House of Assembly over its own members, is sufficiently apparent from your not having hesitated to sign the warrant for a new writ, upon the expulsion of Mr. Christie, a proceeding upon the merits of which I am not called upon, and feel no desire to express any opinion. Assuming that the powers of the House of Assembly are in all respects not only analogous, but equal to those of the British House of Commons, I deem it not only difficult but unsafe to attempt to prescribe the bounds within which such a body should exercise the right of restraining and punishing their own members; and to the discretion of the House of Commons it has been well and wisely left, by the practice of the constitution, to decide upon the degrees of criminality in a member which should call for the highest degree of punishment in their power to inflict, the disgrace of expulsion as unworthy to belong to their body. But as the prudence of the House of Commons has rarely, if ever, permitted them to carry to a faulty extreme this power, thus wisely left indefinite, so their knowledge of the British constitution and of what was due to the privileges of the other branches of the Legislature, has preserved them from the fatal error of arrogating to themselves the monstrous right of giving to their resolutions the force of law.

"The House of Commons undoubtedly possesses, and exercises every day the right of interpreting and expounding by resolutions of its own the laws which regulate the rights of candidates and electors in certain cases, and according to certain forms, which themselves are regulated, not by resolution, but by Act of Parliament; but it neither possesses nor has ever claimed to possess any right, authority or power, without the consent of the Crown and the House of Peers, to make laws relating either to the qualification or disqualification of electors or candidates, or rather to effect their object by resolutions only. Examples are numerous and of recent date, in which restrictions analogous to those sought for by the House of Assembly have been imposed by the authority of Parliament, but they have always been by bill, and have never been sought to be obtained by resolutions of the House of Commons.

"That so extravagant an assumption should be made by a body like the House of Commons, well acquainted with its own rights, and equally acquainted with the rights of others, is not to be contemplated; but I believe I am warranted in saying that if the Speaker, in the exercise of his ministerial capacity, should be called upon to issue a warrant for a new election, in consequence of a member being unseated by an illegal resolution, the duty would devolve upon the Lord Chancellor to take notice of the cause of the vacancy, as recited in the warrant, and on the ground of illegality to refuse to affix the Great Seal to the new writ, as your Lordship has in this case very properly declined to give your sanction to the issuing of the warrant. The House of Assembly indeed appear, from the course which they claimed, to be at least doubtful, and although I have assumed throughout this despatch, that the case of Mr. Mondelet fell strictly within the terms of their resolution, I cannot but say that the instance, so far as I collect the case from the documents furnished to me by your Lordship, appears to have been most unfortunately selected for the first experiment of their right.

"Your Lordship will understand me as separating altogether the justice of the general principle, that persons accepting office of emolument under the crown should be subjected to the judgment of their constituents, from the claim set up by the assembly to effect this object by their own mere resolution; and while I am happy to express my complete approbation of your Lordship's refusal to sanction a claim so subversive of the balance of
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the Constitution, and ultimately so dangerous to the liberty of the subject, I shall defer until a future occasion the expression of my opinion as to the propriety of assenting to an Act which may be passed by the Legislature of Lower Canada, for carrying into effect the object of subjecting Members, accepting office under the Crown, to a new election."

Castle of St. Lewis, Quebec, 13 January 1834.

Enclosure 3, in No. 1.

MESSAGE to the HOUSE of ASSEMBLY on the subject of their Address to the King, during the last Session, praying His Majesty to sanction a National Convention.

THE Governor-in-chief communicates to the House of Assembly for its information, an extract from a despatch, addressed to him by the Secretary of State for the Colonial Department, in answer to the petition of the House, addressed to the King, which by desire of the House was transmitted to the Secretary of State during the last session, for the purpose of being laid at the foot of the throne.

"I have also laid before the King the address of the House of Assembly. I cannot pass over this document without observation. The object of this address is to pray His Majesty to sanction a national convention of the people of Canada, for the purpose of superseding the legislative authorities, and taking into their consideration in which of two modes the constitution of Lower Canada shall be altogether destroyed, whether by the introduction of the elective principle, or by the entire abolition of the Legislative Council. On the mode proposed, His Majesty is willing to put no harsher construction than that of extreme inconsiderateness: to the object sought to be obtained, His Majesty can never be advised to assent, as deeming it inconsistent with the very existence of monarchical institutions. To every measure which may secure the independence and raise the character of the Legislative Council, His Majesty will be most ready to assent. In 1828, a Committee of the House of Commons carefully investigated the grievances alleged by the inhabitants of the Canadas, and among them the constitution of the Legislative Council was a matter of serious deliberation. The Committee reported that one of the most important subjects to which their inquiries had been directed was, the state of the Legislative Council in both of the Canadas, and the manner in which those assemblies had answered the purposes for which they were instituted. The Committee strongly recommended that a more independent character should be given to those bodies, that the majority of their members should not consist of persons holding offices at the pleasure of the Crown, and that any other measures that might tend to connect more intimately that branch of the Constitution with the interests of the colonies would be attended with the greatest advantage. With respect to the judges, with the exception only of the chief justice, whose presence on particular occasions might be necessary, the Committee entertained no doubt that they had better not be involved in the political business of the House. An examination of the constitution of the body at that period and the present, will sufficiently show in what spirit His Majesty's Government have laboured to accomplish the wishes of Parliament. The House of Assembly state correctly, that it has often been avowed that the people of Canada should see nothing in the institutions of neighbouring countries to which they should look with envy. I have yet to learn that His Majesty's subjects in Canada entertain such sentiments at present, or that they desire to copy, in a monarchical government, all the institutions of a republic, or to have the mockery of an executive absolutely dependent for its existence upon a popular body usurping the whole authority of the State. I am not prepared to advise His Majesty to recommend to Parliament so serious a step as the repeal of the Act of 1791, whereby the institutions of this country were conferred separately upon the provinces of Upper and Lower Canada. Serious as are the difficulties by which your Lordship's administration is beset, they are yet not such as to induce me to despair of the practical working of the British Constitution; but should events unhappily force upon Parliament the exercise of its supreme authority to compose the internal dissension of the colonies, it would be my object and my duty, as a servant of the Crown, to submit to Parliament such modifications of the charter of the Canadas as should tend, not to the introduction of institutions inconsistent with monarchical government, but to maintaining and strengthening the connexion with the mother country, by a close adherence to the spirit of the British Constitution, and by preserving in their proper place, and within their due limits, the mutual rights and privileges of all classes of His Majesty's subjects."

Castle of St. Lewis, Quebec, 14 January 1834.

Enclosure 4, in No. 1.

MESSAGE to the HOUSE of ASSEMBLY, in relation to their Application for an Advance of 7,000 *l.* to meet their Contingent Expenses.

WITH reference to the Address of the House of Assembly of the 17th instant, praying for the issue of a warrant in favour of William Burns Lindsay, Esq., for 7,000 *l.* currency, towards defraying the contingent expenses of the House, the Governor-in-chief desires to call the attention of the House to the practice of the two Houses of Legislature, of making

application to the head of the executive government, from time to time during the session of the Provincial Parliament, for the issue of warrants on account of their contingent expenses.

By the Act 33 Geo. 3, c. 8, entitled "An Act to establish a Fund for paying the Salaries of the Officers of the Legislative Council and Assembly, and for defraying the contingent expenses thereof," certain duties are imposed upon wines imported into the province, in order to create a fund for the purposes contemplated by the Act; and it may be presumed that the Legislature of that day considered that the fund so created would be found adequate to meet the demands to be made upon it on account of the salaries of the officers, and the contingent expenses of the two Houses. Experience, however, has shown that, with the exception of a few instances (three only, during a period of 40 years), the fund has proved insufficient for those demands. Accordingly, at the commencement of each session, estimates are prepared by the officers of the two Houses respectively, of their probable expenses for the year, without reference to the state of the fund, which estimates are included in the general estimate of the expenses of the civil government of the province; and the two Houses, in anticipation of a legal appropriation by the passation of a Supply Bill, have been in the habit of addressing the head of the executive government in the course of the session, for the issue of warrants on account of their respective estimates, in terms to the following effect:

The address of the Legislative Council prays, that "the Governor-in-chief will be pleased to issue his warrant in favour of _____ clerk of the Legislative Council, for the sum of _____ currency, in advance of expenses to be incurred by him, and for which he will hereafter account." And the address of the House of Assembly prays, "that the Governor-in-chief will be pleased to issue his warrant in favour of _____ clerk of this house, for _____ currency, towards defraying the contingent expenses of this House; and that the said sum be charged to the fund by law appropriated to that effect, assuring his Excellency that if the said fund is not sufficient the House will make good the same."

So long as the advances made to the two Houses, upon their addresses, shall not exceed the amount of the fund created and appropriated by the Act 33 Geo. 3, c. 8, such advances are perfectly regular and legal, and the head of the executive government incurs no responsibility in any quarter in ordering them to be made. But the case is different whenever such advances are found to exceed the amount of the fund, for the head of the executive government then becomes responsible for the excess, and continues so to be until relieved by a legislative enactment; or, in other words, by a Supply Bill.

In the ordinary course of Parliamentary affairs, the existence of the responsibility thus incurred by the head of the executive government, although objectionable in principle, under any circumstances, is of short duration in point of time; for the whole of his advances to the two Houses, upon their addresses during the session, are speedily covered by the Bill of Supply.

The Supply Bill of last year having failed, the Governor-in-chief necessarily remains accountable for the advances made to the two Houses during the session (after deducting the amount of the fund created by the Act 33 Geo. 3, c. 8), a circumstance which is calculated to excite in his mind no inconsiderable degree of anxiety; for should the present Session, probably the last of this Parliament, be brought to a close without provision being made for the estimate of last year (in which are included the estimates of the expenses of the two Houses), the same responsibility must continue to attach to him; and it is possible that the next succeeding Parliament may not be disposed to make good the engagements entered into by the existing House of Assembly in their addresses.

The amount for which the Governor-in-chief now stands accountable for advances made upon the addresses of the two Houses, during the last session, will appear from the following copy of a statement in figures, furnished by the inspector-general of accounts.

Mem.—Issues made during the Year ended 10th October 1833, by accountable Warrants, viz.

	£.	s.	d.
On Addresses of the Legislative Council	-	-	-
On Addresses of the House of Assembly	-	-	-
Total Currency	£. 9,856	10	5
Deduct amount of fund created by the Act 33 Geo. 3, c. 8,			
during the above period	£. 3,313	11	9
Less, Payments to officers of the two Houses, on account			
of their Salaries	1,379	19	5
	1,933	12	4
Deficiency, currency	£. 7,922	18	1

For which deficiency the Governor-in-chief is now responsible, in consequence of the failure of the Supply Bill of last year.

For the information of the House of Assembly, in the event of their taking up the consideration of the subject of the present communication, a statement has been prepared, and is herewith transmitted, showing the amount year by year of the fund created by the Act 33 Geo.

33 Geo. 3, c. 8, from the year 1793 to the year 1832, and of the expenses of the two Houses; by which it appears that the expenses of the two Houses, during that period, amounted to 277,280*l.* 15*s.* 11½*d.*, and the net amount of revenue to 66,019*l.* 4*s.* 3*d.*, being an excess of expenditure over the revenue of 211,261*l.* 11*s.* 8*d.* currency.

After having maturely weighed and considered the circumstances above stated, the Governor-in-chief now informs the House of Assembly, that until he shall have been relieved by an Act of the Legislature from the responsibility which still attaches to him on account of the advances made during the last session upon the addresses of the Legislative Council and House of Assembly, he must decline taking into his consideration the expediency of incurring further responsibility on the same account.

The Governor-in-chief desires the House of Assembly to be assured that he will very sensibly regret any inconvenience to the service of the House which may result from the course which he has found it necessary to adopt upon the present occasion. It is a course which the Governor-in-chief is firmly persuaded will be found in perfect accordance with the spirit of the constitution; and it is, moreover, one from which, under existing circumstances, no consideration of expediency can justify him in departing.

Castle of St. Lewis, Quebec, 18 January 1834.

No. 4.*

REPORT of the Committee to whom was referred His Excellency's Message in Answer to an Address of the Assembly for an advance of 7,000*l.* towards defraying their Contingent Expenses.

THE special Committee, to whom was referred the message of his Excellency the Governor-in-chief, in answer to the address of the House, praying his Excellency to issue his warrant for 7,000*l.* currency, on account of the contingent expenses of the House, with the statement accompanying the same; and also the message of his Excellency of the 15th January instant, relating to the contingent bill of the late solicitor-general, with power to report from time to time, have the honour to report in part:

That although from the time of the passing of the Constitutional Act, the governors or administrators of the Government have always favourably received the addresses of the Legislative Council or of the House of Assembly for advances of money to defray the contingent expenses of the two Houses, over and above the sum appropriated by the revenue of the Act of the 33 Geo. 3, cap. 8, cases have occurred where the head of the executive has not thought proper to comply with the addresses of this House, as appears by the extracts from the Journals of this House annexed to this Report.

Under the administration of Sir Robert Shore Milnes, Bart., in the year 1805, addresses were presented by the House to the Lieutenant-governor for the time being, praying that he would be pleased to issue his warrant in favour of the clerk of this House, for the purpose of paying (among other expenses) for 200 copies of an index to the French edition of the *Lex Parliamentaria*, which had been ordered to be printed by the House; and also praying that he would be pleased to take into consideration the services rendered by Pierre Edouard Desbarats, Esq., French translator of the House, and to grant him an additional salary, to commence from the 1st November 1804, assuring his Excellency that if the funds appropriated by law were not sufficient, the House would make good the same.

To this address the Lieutenant-governor answered on the 25th March 1805, that it was not in his power to issue a warrant to pay for the printing of the Index of the *Lex Parliamentaria*, as it was an extraordinary service for which the Legislature had not provided, and that with respect to the prayer that an increase of salary might be granted to the French translator, he must regret that when those rules which tended to promote a good understanding between the executive and the other branches of the Legislature were forgotten, the Governor must feel averse to the introduction of a precedent which might lead to consequences so injurious.

In the year 1806, an address of the House was presented to his Honour the President (Mr. Dunn), praying he would be pleased to advance to the speaker the sum necessary to defray the expenses of translating the four volumes of precedents of proceedings in the House of Commons, by John Hatsell, in conformity with the resolution of the House, of the 18th March 1805, and that the House would reimburse the same.

On the 3d of April following, his Honour the President answered, that he would refer the House to the answer sent down the year before, by the Lieutenant-governor for the time being, to the address of the House of Assembly, and that on examining the same, the House must be convinced, that in the particular situation in which he was placed as administrator of the Government during the temporary absence of the Governor and Lieutenant-governor, he would not deviate from the precedents aforesaid, by advancing the said monies to defray expenses for which the Legislature had not provided.

In the year 1823 two addresses were presented to his Excellency the Governor-in-chief (Lord Dalhousie), praying that he would be pleased to issue his warrant in favour of the clerk of this House for the sum of 3,314*l.* 16*s.* 10*d.*, to pay the arrears due on the contingent expenses of this House for the years 1820, 1821, and up to the 1st of October 1822, and also for the sum of 3,540*l.* for the expenses then incurred, or to be incurred from the 1st November 1822 to the 31st October 1823, for the service of this House, and that

the said sums might be charged against the fund already appropriated by law, assuring his Excellency that if the said funds were not sufficient the House would make good the sums so advanced.

To these addresses the Governor answered, that he would advance the sum of 3,314*l.* 16*s.* 10*d.* first above-mentioned, because it was required for services performed; but that with regard to the sum of 3,540*l.* for the expenses of the then current year, he must be guided by the appropriation that should be made by the Legislature.

It does not appear that any proceedings, which can be considered as precedents, were adopted by the House with reference to the aforesaid refusals, except that it appears that in the year 1805 the House resolved itself into a Committee of the whole, to take the answer of the administrator to their address into consideration, and that the proceedings of the said Committee were interrupted by the prorogation of the Parliament.

These three are the only instances in which the head of the executive has not thought proper to comply with the addresses of this House. During every other session the addresses of the House were favourably received; and on referring to the proceedings of the first session, it will be seen that a sum of money was then advanced, even before an Act had been passed, to make provision for defraying the expenses of the Legislature.

Your Committee leave it to the House to decide how far the aforesaid precedents do or do not apply to the case in question.

It appears to your Committee that your honourable House has only the choice of two alternatives; the one is, to suspend the sittings of the House, by informing the executive that it is impossible for your honourable House to proceed with becoming dignity and effect on the business before it; and the other, to comply with the wish expressed in the message which forms the subject of this Report, by immediately passing an Act to relieve his Excellency the Governor-in-chief from his responsibility for the advances made by him during the last session, on the addresses of the Legislative Council and of the House of Assembly.

If the former alternative were adopted, the country would be deprived of the numerous and important advantages which it must derive from the continuance of the session; and the discussion and decision of many measures of the highest importance now before your honourable House would be deferred to a less favourable season. These considerations, weighty as they are, ought doubtless to be disregarded, if in adopting the latter alternative the House were to sacrifice any one of its rights or privileges; but in so doing it will not sacrifice any one constitutional principle.

Your Committee conclude by reporting the following Resolution, which they have adopted:

Resolved, that a Bill of Appropriation be passed, to cover and make good the sums of money advanced by his Excellency the Governor-in-chief, on the addresses of the Legislative Council and of the House of Assembly (over and above the produce of the 33d Geo. 3, c. 8), for defraying the contingent expenses of the Legislature for the year ending on the 31st October last.

The whole, nevertheless, humbly submitted.

27 January 1834.

(signed) *Hector S. Huot*, Chairman.

Enclosure 5, in No. 1.

RESOLUTIONS of the HOUSE of ASSEMBLY of *Lower Canada*, dated
Quebec, Friday, 21 February 1834.

1. Resolved, THAT His Majesty's loyal subjects, the people of this province of Lower Canada, have shown the strongest attachment to the British Empire, of which they are a portion; that they have repeatedly defended it with courage in time of war; that at the period which preceded the Independence of the late British Colonies on this continent, they resisted the appeal made to them by those colonies to join their confederation.

2. Resolved, That the people of this province have at all times manifested their confidence in His Majesty's Government, even under circumstances of the greatest difficulty, and when the government of the province has been administered by men who trampled under foot the rights and feelings dearest to British subjects; and that these sentiments of the people of this province remain unchanged.

3. Resolved, That the people of this province have always shown themselves ready to welcome and to receive as brethren, those of their fellow-subjects who, having quitted the United Kingdom or its dependencies, have chosen this province as their home, and have earnestly endeavoured (as far as on them depended) to afford every facility to their participating in the political advantages, and in the means of rendering their industry available, which the people of this province enjoy; and to remove for them the difficulties arising from the vicious system adopted by those who have administered the government of the province, with regard to those portions of the country in which the new-comers have generally chosen to settle.

4. Resolved, That this House, as representing the people of this province, has shown an earnest zeal to advance the general prosperity of the country, by securing the peace and content of all classes of its inhabitants, without any distinction of origin or creed, and upon the solid and durable basis of unity of interest, and equal confidence in the protection of the mother country.

5. Resolved,

5. Resolved, That this House has seized every occasion to adopt, and firmly to establish by law in this province, not only the Constitutional and Parliamentary law of England, which is necessary to carry the Government into operation, but also all such parts of the public law of the United Kingdom as have appeared to this House adapted to promote the welfare and safety of the people, and to be conformable to their wishes and their wants; and that this House has, in like manner, wisely endeavoured so to regulate its proceedings as to render them, as closely as the circumstances of this colony permit, analogous to the practice of the House of Commons of the United Kingdom.

6. Resolved, That in the year 1827, the great majority of the people of this province complained, in petitions signed by 87,000 persons, of serious and numerous abuses which then prevailed, many of which had then existed for a great number of years, and of which the greater part still exist without correction or mitigation.

7. Resolved, That the complaints aforesaid, and the grievances which gave rise to them, being submitted to the consideration of the Parliament of the United Kingdom, occasioned the appointment of a Committee of the House of Commons, of which the Honourable Edward Geoffrey Stanley, now His Majesty's Principal Secretary of State for the Colonial Department, and several others who are now Members of His Majesty's Government, formed part; and that after a careful investigation and due deliberation, the said Committee, on the 18th July 1828, came to the following very just conclusions:

1stly. "That the embarrassments and discontents that had long prevailed in the Canadas, had arisen from serious defects in the system of laws, and the constitutions established in those colonies.

2dly. "That these embarrassments were in a great measure to be attributed to the manner in which the existing system had been administered.

3dly. "That they had a complete conviction that neither the suggestions which they had made, nor any other improvements in the laws and constitutions of the Canadas, will be attended with the desired effect, unless an impartial, conciliating and constitutional system of government were observed in these loyal and important colonies."

8. Resolved, That since the period aforesaid, the constitution of this province, with its serious defects, has continued to be administered in a manner calculated to multiply the embarrassments and discontents which have long prevailed; and that the recommendations of the Committee of the House of Commons have not been followed by effective measures of a nature to produce the desired effect.

9. Resolved, That the most serious defect in the Constitutional Act, its radical fault, the most active principle of evil and discontent in the province; the most powerful and most frequent cause of abuses of power; of the infractions of the laws; of the waste of the public revenue and property, accompanied by impunity to the governing party, and the oppression and consequent resentment of the governed, is that injudicious enactment, the fatal results of which were foretold by the Honourable Charles James Fox at the time of its adoption, which invests the Crown with that exorbitant power (incompatible with any government duly balanced, and founded on law and justice, and not on force and coercion) of selecting and composing without any rule or limitation, or any predetermined qualification, an entire branch of the legislature, supposed from the nature of its attributions to be independent, but inevitably the servile tool of the authority which creates, composes and decomposes it, and can on any day modify it to suit the interests or the passions of the moment.

10. Resolved, That with the possession of a power so unlimited, the abuse of it is inseparably connected; and that it has always been so exercised in the selection of the Members of the Legislative Council of this province, as to favour the spirit of monopoly and despotism in the executive, judicial and administrative departments of government, and never in favour of the public interest.

11. Resolved, That the effectual remedy for this evil was judiciously foreseen and pointed out by the Committee of the House of Commons, who asked John Neilson, esquire, (one of the agents who had carried to England the Petition of the 87,000 inhabitants of Lower Canada) whether he had turned in his mind any plan by which he conceived the Legislative Council might be better composed in Lower Canada; whether he thought it possible that the said body could command the confidence and respect of the people, or go in harmony with the House of Assembly, unless the principle of election were introduced into its composition in some manner or other; and also, whether he thought that the colony could have any security that the Legislative Council would be properly and independently composed, unless the principle of election were introduced into it in some manner or other; and received from the said John Neilson answers, in which (among other reflections) he said in substance, that there were two modes in which the composition of the Legislative Council might be bettered; the one by appointing men who were independent of the executive, (but that to judge from experience there would be no security that this would be done,) and that if this mode were found impracticable, the other would be to render the Legislative Council elective.

12. Resolved, That judging from experience, this House likewise believes that there would be no security in the first mentioned mode, the course of events having but too amply proved what was then foreseen; and that this House approves all the inferences drawn by the said John Neilson from experience and facts; but that with regard to his suggestion that a class of electors of a higher qualification should be established, or a qualification in property fixed for those persons who might sit in the Council, this House have,

in their Address to His Most Gracious Majesty, dated the 20th March 1833, declared in what manner this principle could, in their opinion, be rendered tolerable in Canada, by restraining it within certain bounds, which should in no case be passed.

13. Resolved, That even in defining bounds of this nature, and requiring the possession of real property as a condition of eligibility to a Legislative Council, chosen by the people, which most wisely and happily has not been made a condition of eligibility to the House of Assembly, this House seems rather to have sought to avoid shocking received opinions in Europe, where custom and the law have given so many artificial privileges and advantages to birth and rank and fortune, than to consult the opinions generally received in America, where the influence of birth is nothing, and where, notwithstanding the importance which fortune must always naturally confer, the artificial introduction of great political privileges in favour of the possessors of large property, could not long resist the preference given at free elections to virtue, talents and information, which fortune does not exclude but can never purchase, and which may be the portion of honest, contented and devoted men, whom the people ought to have the power of calling and consecrating to the public service, in preference to richer men, of whom they may think less highly.

14. Resolved, That this House is nowise disposed to admit the excellence of the present Constitution of Canada, although His Majesty's Secretary of State for the Colonies has unseasonably and erroneously asserted, that it has conferred on the two Canadas the institutions of Great Britain; nor to reject the principle of extending the system of frequent elections much further than it is at present carried; and that this system ought especially to be extended to the Legislative Council, although it may be considered by the Colonial Secretary incompatible with the British Government, which he calls a monarchical government, or too analogous to the institutions which the several States, composing the industrious, moral and prosperous confederation of the United States of America, have adopted for themselves.

15. Resolved, That in a despatch, of which the date is unknown, and of which a part only was communicated to this House by the Governor-in-chief on the 14th January 1834, His Majesty's Secretary of State for the Colonial Department, (this House having no certain knowledge whether the said despatch is from the present Colonial Secretary or from his predecessor) says, that an examination of the composition of the Legislative Council at that period (namely, at the time when its composition was so justly censured by a Committee of the House of Commons) and at the present, will sufficiently show in what spirit His Majesty's Government has endeavoured to carry the wishes of Parliament into effect.

16. Resolved, That this House receives with gratitude this assurance of the just and benevolent intentions, with which, in the performance of their duty, His Majesty's Ministers have endeavoured to give effect to the wishes of Parliament.

17. Resolved, That unhappily it was left to the principal Agent of His Majesty's Government in this Province to carry the wishes of the Imperial Parliament into effect; but that he has destroyed the hope which His Majesty's faithful subjects had conceived of seeing the Legislative Council reformed and ameliorated, and has confirmed them in the opinion that the only possible mode of giving to that body the weight and respectability which it ought to possess, is to introduce into it the principle of election.

18. Resolved, That the Legislative Council, strengthened by a majority inimical to the rights of this House and of the people whom it represents, has received new and more powerful means than it before possessed of perpetuating and of rendering more offensive and more hurtful to the country the system of abuses of which the people of this province have up to this day ineffectually complained, and which up to this day, Parliament and His Majesty's Government in England have ineffectually sought to correct.

19. Resolved, That since its pretended reform the Legislative Council has, in a manner more calculated to alarm the inhabitants of this province, and more particularly in its address to His Majesty of the 1st of April 1833, renewed its pretension of being specially appointed to protect one class of His Majesty's subjects in this province, as supposing them to have interests which could not be sufficiently represented in the Assembly, seven-eighths of the Members of which are by the said Council most erroneously stated to be of French origin and speak the French language: that this pretension is a violation of the constitution, and is of a nature to excite and perpetuate among the several classes of the inhabitants of this province, mutual distrust and national distinctions and animosities, and to give one portion of the people an unjust and factious superiority over the other, and the hope of domination and undue preference.

20. Resolved, That by such claim the Legislative Council after a reform which was held up as one adapted to unite it more closely with the interests of the colony in conformity with the wishes of Parliament, calls down, as one of its first acts, the prejudices and severity of His Majesty's Government upon the people of this province, and upon the representative branch of the Legislature thereof; and that by this conduct the Legislative Council has destroyed amongst the people all hope which was left them of seeing the said Council, so long as it shall remain constituted as it now is, act in harmony with the House of Assembly.

21. Resolved, That the Legislative Council of this province has never been anything else but an impotent screen between the Governor and the people, which by enabling the one to maintain a conflict with the other, has served to perpetuate a system of discord and contention; that it has unceasingly acted with avowed hostility to the sentiments of the people as constitutionally expressed by the House of Assembly; that it is not right under
the

the name of a Legislative Council to impose an aristocracy on a country which contains no natural materials for the composition of such a body; that the Parliament of the United Kingdom in granting to His Majesty's Canadian subjects the power of revising the Constitution under which they hold their dearest rights, would adopt a liberal policy, free from all considerations of former interests and of existing prejudices; and that by this measure, equally consistent with a wise and sound policy, and with the most liberal and extended views, the Parliament of the United Kingdom would enter into a noble rivalry with the United States of America, would prevent His Majesty's subjects from seeing anything to envy there; and would preserve a friendly intercourse between Great Britain and this province, as her colony, so long as the tie between us shall continue, and as her ally, whenever the course of events may change our relative position.

22. Resolved, That this House so much the more confidently emits the opinions expressed in the preceding resolution, because, if any faith is to be placed in the published reports, they were at no distant period emitted with other remarks in the same spirit, in the Commons House of the United Kingdom, by the Right Honourable Edward Geoffrey Stanley, now His Majesty's Principal Secretary of State for the Colonial Department, and by several other enlightened and distinguished Members, some of whom are among the number of His Majesty's present Ministers; and because the conduct of the Legislative Council since its pretended reform, demonstrates that the said opinions are in nowise rendered less applicable or less correct by its present composition.

23. Resolved, That the Legislative Council has at the present time less community of interest with the province than at any former period; that its present composition, instead of being calculated to change the character of the body, to put an end to complaints, and to bring about that co-operation of the two Houses of the Legislature which is so necessary to the welfare of the country, is such as to destroy all hope that the said Council will adopt the opinions and sentiments of the people of this province and of this House with regard to the inalienable right of the latter to the full and entire control of the whole revenue raised in the province, with regard to the necessity under which this House has found itself (for the purpose of effecting the reformation which it has so long and so vainly demanded of existing abuses) to provide for the expenses of the Civil Government by annual appropriations only, as well as with regard to a variety of other questions of public interest, concerning which the Executive Government, and the Legislative Council which it has selected and created, differ diametrically from the people of this province, and from this House.

24. Resolved, That such of the recently appointed councillors as were taken from the majority of the Assembly, and had entertained the hope that a sufficient number of independent men, holding opinions in unison with those of the majority of the people and of their Representatives, would be associated with them, must now feel that they are overwhelmed by a majority hostile to the country, and composed of men who have irretrievably lost the public confidence, by showing themselves the blind and passionate partisans of all abuses of power, by encouraging all the acts of violence committed under the administration of Lord Dalhousie, by having on all occasions outraged the representatives of the people of the country; of men, unknown in the country until within a few years, without landed property or having very little, most of whom have never been returned to the Assembly (some of them having even been refused by the people), and who have never given any proofs of their fitness for performing the functions of Legislators, but merely of their hatred to the country; and who, by reason of their community of sentiment with him, have found themselves, by the partiality of the Governor-in-chief, suddenly raised to a station in which they have the power of exerting during life an influence over the legislation and over the fate of this province, the laws and institutions of which have ever been the objects of their dislike.

25. Resolved, That in manifest violation of the Constitution, there are among the persons last mentioned several who were born citizens of the United States, or are natives of other foreign countries, and who at the time of their appointment had not been naturalized by Acts of the British Parliament; that the residence of one of these persons (Horatio Gates) in this country during the last war with the United States was only tolerated; he refused to take up arms for the defence of the country in which he remained merely for the sake of lucre; and after these previous facts, took his seat in the Legislative Council on the 16th March 1833; and 15 days afterwards, to wit, on the 1st April, voted for the address before mentioned, censuring those who during the last war were under arms on the frontiers to repulse the attacks of the American armies and of the fellow-citizens of the said Horatio Gates: that another (James Baxter) was resident during the said late war within the United States, and was bound by the laws of the country of his birth, under certain circumstances, forcibly to invade this province, to pursue, destroy and capture, if possible, His Majesty's armies, and such of his Canadian subjects as were in arms upon the frontiers to repulse the attacks of the American armies, and of the said James Baxter, who (being at the same time but slightly qualified as far as property is concerned) became, by the nomination of the Governor-in-chief, a Legislator for life in Lower Canada, on the 22d of March 1833; and eight days afterwards, on the 1st of April aforesaid, voted that very address which contained the calumnious and insulting accusation which called for the expression of His Majesty's just regret, "that any word had been introduced which should have the appearance of ascribing to a class of his subjects of one origin, views at variance with the allegiance which they owe to His Majesty."

26. Resolved, That it was in the power of the present Governor-in-chief, more than in

that of any of his predecessors (by reason of the latitude allowed him as to the number and the selection of the persons whom he might nominate to be Members of the Legislative Council) to allay, for a time at least, the intestine divisions which rend this colony, and to advance some steps towards the accomplishment of the wishes of Parliament, by inducing a community of interest between the said Council and the people, and by giving the former a more independent character by judicious nominations.

27. Resolved, That although 16 persons have been nominated in less than two years by the present Governor to be Members of the said Council (a number greater than that afforded by any period of 10 years under any other administration), and notwithstanding the wishes of Parliament, and the instructions given by His Majesty's Government for the removal of the grievances of which the people had complained, the same malign influence which has been exerted to perpetuate in the country a system of irresponsibility in favour of public functionaries, has prevailed to such an extent as to render the majority of the Legislative Council more inimical to the country than at any former period; and that this fact confirms with irresistible force the justice of the censure passed by the Committee of the House of Commons on the constitution of the Legislative Council as it had theretofore existed, and the correctness of the opinion of those Members of the said Committee who thought that the said body could never command the respect of the people, nor be in harmony with the House of Assembly, unless the principle of election was introduced into it.

28. Resolved, that even if the present Governor-in-chief had, by making a more judicious selection, succeeded in quieting the alarm and allaying for a time the profound discontent which then prevailed, that form of government would not be less essentially vicious which makes the happiness or misery of a country depend on an Executive over which the people of that country have no influence, and which has no permanent interest in the country, or in common with its inhabitants; and that the extension of the elective principle is the only measure which appears to this House to afford any prospect of equal and sufficient protection in future to all the inhabitants of the province, without distinction.

29. Resolved, that the accusations preferred against the House of Assembly by the Legislative Council, as recomposed by the present Governor-in-chief, would be criminal and seditious, if their very nature did not render them harmless, since they go to assert, that if in its liberality and justice the Parliament of the United Kingdom had granted the earnest prayer of this House in behalf of the province (and which this House at this solemn moment, after weighing the Despatches of the Secretary of State for the Colonial Department, and on the eve of a general election, now repeats and renews), that the constitution of the Legislative Council may be altered by rendering it elective, the result of this act of justice and benevolence would have been to inundate the country with blood.

30. Resolved, that by the said Address to His Majesty, dated the 1st of April last, the Legislative Council charges this House with having calumniously accused the King's Representative of partiality and injustice in the exercise of the powers of his office, and with deliberately calumniating His Majesty's officers, both civil and military, as a faction induced by interest alone to contend for the support of a government inimical to the rights, and opposed to the wishes of the people: with reference to which this House declares, that the accusations preferred by it have never been calumnious, but are true and well founded, and that a faithful picture of the Executive Government of this province in all its parts is drawn by the Legislative Council in this passage of its address.

31. Resolved, that if, as this House is fond of believing, His Majesty's Government in England does not wish systematically to nourish civil discord in this colony, the contradictory allegations thus made by the two Houses, make it imperative on it to become better acquainted with the state of the province than it now appears to be, if we judge from its long tolerance of the abuses which its agents commit with impunity; that it ought not to trust to the self praise of those who have the management of the affairs of a colony, passing, according to them, into a state of anarchy; that it ought to be convinced, that if its protection of public functionaries, accused by a competent authority (that is to say by this House, in the name of the people), could for a time by force and intimidation aggravate, in favour of those functionaries and against the rights and interests of the people, the system of insult and oppression which they impatiently bear, the result must be to weaken our confidence in, and our attachment to His Majesty's Government, and to give deep root to the discontent and insurmountable disgust which have been excited by administrations deplorably vicious, and which are now excited by the majority of the public functionaries of the colony, combined as a faction, and induced by interest alone to contend for the support of a corrupt Government, inimical to the rights and opposed to the wishes of the people.

32. Resolved, that in addition to its wicked and calumnious address of the 1st April 1833, the Legislative Council, as recomposed by the present Governor-in-chief, has proved how little community of interest it has with the colony, by the fact, that out of sixty-four Bills which were sent up to it, twenty-eight were rejected by it, or amended in a manner contrary to their spirit and essence; that the same unanimity which had attended the passing of the greater part of these Bills in the Assembly, accompanied their rejection by the Legislative Council, and that an opposition so violent, shows clearly that the provincial executive and the council of its choice, in league together against the representative body, do not, or will not, consider it as the faithful interpreter and the equitable judge of the wants and wishes of the people, nor as fit to propose laws conformable to the public will; and

and that under such circumstances, it would have been the duty of the head of the Executive to appeal to the people, by dissolving the Provincial Parliament, had there been any analogy between the institutions of Great Britain and those of this province.

33. Resolved, that the Legislative Council as recomposed by the present Governor-in-chief, must be considered as embodying the sentiments of the colonial executive Government, and that from the moment it was so recomposed, the two authorities seem to have bound and leagued themselves together for the purpose of proclaiming principles subversive of all harmony in the province, and of governing and domineering in a spirit of blind and invidious national antipathy.

34. Resolved, that the address voted unanimously on the 1st April 1833, by the Legislative Council, as recomposed by the present Governor-in-chief, was concurred in by the Honourable the Chief Justice of the province, Jonathan Sewell, to whom the Right Honourable Lord Viscount Goderich, in his Despatch, communicated to the House on the 25th November 1831, recommended "a cautious abstinence from all proceedings by which he might be involved in any contention of a party nature;" by John Hale, the present Receiver-General, who, in violation of the laws, and of the trust reposed in him, and upon illegal warrants issued by the Governor, has paid away large sums of the public money, without any regard to the obedience which is always due to the law; by Sir John Caldwell, baronet, the late Receiver-General, a speculator, who has been condemned to pay nearly 100,000 £, to reimburse a like sum levied upon the people of this province, and granted by law to His Majesty, His heirs and successors, for the public use of the province, and for the support of His Majesty's Government therein, and who has diverted the greater part of the said sum from the purposes to which it was destined, and appropriated it to his private use; by Mathew Bell, a grantee of the Crown, who has been unduly and illegally favoured by the Executive, in the lease of the forges of St. Maurice, in the grant of large tracts of waste lands, and in the lease of large tracts of land formerly belonging to the order of Jesuits; by John Stewart, an Executive Councillor, commissioner of the Jesuits' estates, and the incumbent of other lucrative offices: all of whom are placed by their pecuniary and personal interests under the influence of the Executive; and by the Honourable George Moffatt, Peter McGill, John Molson, Horatio Gates, Robert Jones, and James Baxter, all of whom, as well as those before mentioned, were, with two exceptions, born out of the country, and all of whom, except one, who for a number of years was a member of the Assembly, and has extensive landed property, are but slightly qualified in that respect, and had not been sufficiently engaged in public life to afford a presumption that they were fit to perform the functions of legislators for life; and by Antoine Gaspard Couillard, the only native of the country, of French origin, who stooped to concur in the address, and who also had never been engaged in public life, and is but very moderately qualified with respect to real property, and who, after his appointment to the council, and before the said 1st of April, rendered himself dependent on the Executive by soliciting a paltry and subordinate place of profit.

35. Resolved, that the said address, voted by seven councillors, under the influence of the present head of the Executive, and by five others of his appointment, (one only of the six others who voted it, the Hon. George Moffatt, having been appointed under his predecessor,) is the work of the present administration of this province, the expression of its sentiments, the key to its acts, and the proclamation of the iniquitous and arbitrary principles, which are to form its rule of conduct for the future.

36. Resolved, that the said address is not less injurious to the small number of Members of the Legislative Council who are independent, and attached to the interests and honour of the country, who have been Members of the Assembly, and are known as having partaken its opinions and seconded its efforts, to obtain for it the entire control and disposal of the public revenue; as having approved the wholesome, constitutional, and not, as styled by the Council, the daring step taken by this House of praying by address to His Majesty that the Legislative Council might be rendered elective; as condemning the scheme for the creation of an extensive monopoly of lands in favour of speculators residing out of the country; as believing that they could not have been appointed to the Council with a view to increase the constitutional weight and efficacy of that body, in which they find themselves opposed to a majority hostile to their principles and their country; as believing that the interests and wishes of the people are faithfully represented by their representatives, and that the connexion between this country and the parent state, will be durable in proportion to the direct influence exercised by the people in the enactment of laws adapted to ensure their welfare; and as being of opinion, that His Majesty's subjects recently settled in this country will share in all the advantages of the free institutions and of the improvements which would be rapidly developed, if, by means of the extension of the elective system, the administration were prevented from creating a monopoly of power and profit in favour of the minority who are of one origin, and to the prejudice of the majority who are of another, and from buying, corrupting and exciting a portion of this minority in such a manner as to give to all discussions of local interest the alarming character of strife and national antipathy; and that the independent Members of the Legislative Council, indubitably convinced of the tendency of that body, and undeceived as to the motives which led to their appointment as Members of it, now refrain from attending the sittings of the said Council, in which they despair of being able to effect anything for the good of the country.

37. Resolved, that the political world in Europe is at this moment agitated by two great parties, who in different countries appear under the several names of serviles, royalists,

tories and conservatives on the one side, and of liberals, constitutionals, republicans, whigs, reformers, radicals and similar appellations on the other; that the former party is, on this continent, without any weight or influence except what it derives from its European supporters, and from a trifling number of persons who become their dependents for the sake of personal gain, and from others, who from age or habit cling to opinions which are not partaken by any numerous class; while the second party overspreads all America. And that the Colonial Secretary is mistaken if he believes that the exclusion of a few salaried officers from the Legislative Council could suffice to make it harmonise with the wants, wishes and opinions of the people, as long as the Colonial Governors retain the power of preserving in it a majority of members rendered servile by their antipathy to every liberal idea.

38. Resolved, That this vicious system, which has been carefully maintained, has given to the Legislative Council a greater character of animosity to the country than it had at any former period, and is as contrary to the wishes of Parliament, as *that* which, in order to resist the wishes of the people of England for the Parliamentary Reform, should have called into the House of Lords a number of men notorious for their factious and violent opposition to that great measure.

39. Resolved, That the Legislative Council, representing merely the personal opinions of certain members of a body so strongly accused at a recent period by the people of this Province, and so justly censured by the Report of the Committee of the House of Commons, is not an authority competent to demand alterations in the constitutional Act of the 31st Geo. 3, c. 31, and that the said Act ought not to be and cannot be altered, except at such time and in such manner as may be wished by the people of this Province, whose sentiments this House is alone competent to represent; that no interference on the part of the British Legislature with the laws and constitution of this province, which should not be founded on the wishes of the people, freely expressed either through this House or in any other constitutional manner, could in anywise tend to settle any of the difficulties which exist in this province, but, on the contrary, would only aggravate them and prolong their continuance.

40. Resolved, That this House expects from the justice of the Parliament of the United Kingdom, that no measure of the nature aforesaid, founded on the false representations of the Legislative Council and of the members and tools of the Colonial Administration, all interested in perpetuating existing abuses, will be adopted to the prejudice of the rights, liberties and welfare of the people of this province; but that on the contrary, the Imperial Legislature will comply with the wishes of the people and of this House, and will provide the most effectual remedy for all evils present and future, either by rendering the Legislative Council elective in the manner mentioned in the Address of this House to His most gracious Majesty, of the 20th March 1833, or by enabling the people to express still more directly their opinions as to the measures to be adopted in that behalf, and with regard to such other modifications of the constitution as the wants of the people and the interests of His Majesty's Government in the province may require; and that this House perseveres in the said Address.

41. Resolved, That His Majesty's Secretary of State for the Colonial Department has acknowledged in his despatches, that it has frequently been admitted that the people of Canada ought to see nothing in the institutions of the neighbouring States which they could regard with envy, and that he has yet to learn that any such feeling now exists among His Majesty's subjects in Canada; to which this House answers, that the neighbouring States have a form of government very fit to prevent abuses of power, and very effective in repressing them; that the reverse of this order of things has always prevailed in Canada under the present form of government; that there exists in the neighbouring States a stronger and more general attachment to the national institutions than in any other country, and that there exists also in those States a guarantee for the progressive advance of their political institutions towards perfection, in the revision of the same at short and determinate intervals, by conventions of the people, in order that they may without any shock or violence be adapted to the actual state of things.

42. Resolved, That it was in consequence of a correct idea of the state of the country, and of society generally in America, that the Committee of the House of Commons asked; whether there was not in the two Canadas a growing inclination to see the institutions become more and more popular, and in that respect more and more like those of the United States; and that John Neilson, esquire, one of the agents sent from this country, answered, that the fondness for popular institutions had made great progress in the two Canadas; and that the same agent was asked, whether he did not think that it would be wise that the object of every change made in the institutions of the province should be to comply more and more with the wishes of the people, and to render the said institutions extremely popular: to which question this House for and in the name of the people whom it represents; answers, solemnly and deliberately, "Yes, it would be wise; it would be excellent."

43. Resolved, That the constitution and form of government which would best suit this colony are not to be sought solely in the analogies offered by the institutions of Great Britain, where the state of society is altogether different from our own; and that it would be wise to turn to profit by the information to be gained by observing the effects produced by the different and infinitely varied constitutions which the Kings and Parliament of England have granted to the several plantations and colonies in America, and by studying the

the way in which virtuous and enlightened men have modified such colonial institutions when it could be done with the assent of the parties interested.

44. Resolved, That the unanimous consent with which all the American States have adopted and extended the elective system, shows that it is adapted to the wishes, manners and social state of the inhabitants of this continent; that this system prevails equally among those of British and those of Spanish origin, although the latter, during the continuance of their colonial state, had been under the calamitous yoke of ignorance and absolutism; and that we do not hesitate to ask from a Prince of the House of Brunswick, and a reformed Parliament, all the freedom and political powers which the Princes of the House of Stuart and their Parliaments granted to the most favoured of the plantations formed at a period when such grants must have been less favourably regarded than they would now be.

45. Resolved, That it was not the best and most free systems of colonial government which tended most to hasten the independence of the old English colonies; since the Province of New York, in which the institutions were most monarchical in the sense which that word appears to bear in the despatch of the Colonial Secretary, was the first to refuse obedience to an Act of the Parliament of Great Britain; and that the colonies of Connecticut and Rhode Island, which though closely and affectionately connected with the mother country for a long course of years, enjoyed constitutions purely democratic, were the last to enter into a confederation rendered necessary by the conduct of bad servants of the Crown, who called in the supreme authority of the Parliament, and the British Constitution to aid them to govern arbitrarily, listening rather to the governors and their advisers than to the people and their representatives, and shielding with their protection those who consumed the taxes rather than those who paid them.

46. Resolved, That with a view to the introduction of whatever the institutions of the neighbouring States offered that was good and applicable to the state of the province, this House had among other measures passed, during many years, a Bill founded on the principle of proportioning arithmetically the number of Representatives to the population of each place represented; and that if by the pressure of circumstances and the urgent necessity which existed that the number of Representatives should be increased, it has been compelled to assent to amendments which violate that principle, by giving to several counties containing a population of little more than 4,000 souls, the same number of Representatives as to several others of which the population is five times as great, this disproportion is in the opinion of this House an act of injustice, for which it ought to seek a remedy: and that in new countries where the population increases rapidly, and tends to create new settlements, it is wise and equitable that by a frequent and periodical census, such increase, and the manner in which it is distributed, should be ascertained, principally for the purpose of settling the representation of the province on an equitable basis.

47. Resolved, That the fidelity of the people, and the protection of the government, are co-relative obligations, of which the one cannot long subsist without the other; that by reason of the defects which exist in the laws and constitution of this province, and of the manner in which those laws and that constitution have been administered, the people of this province are not sufficiently protected in their lives, their property and their honour; and that the long series of acts of injustice and oppression, of which they have to complain, have increased with alarming rapidity in violence and in number under the present administration.

48. Resolved, That in the midst of these disorders and sufferings, this House and the people whom it represents, had always cherished the hope and expressed their faith that His Majesty's Government in England did not knowingly and wilfully participate in the political immorality of its colonial agents and officers; and that it is with astonishment and grief that they have seen in the extract from the despatches of the Colonial Secretary, communicated to this House by the Governor-in-chief during the present session, that one at least of the members of His Majesty's Government entertains towards them feelings of prejudice and animosity, and inclines to favour plans of oppression and revenge, ill adapted to change a system of abuses, the continuance of which would altogether discourage the people, extinguish in them the legitimate hope of happiness which, as British subjects, they entertained, and would leave them only the hard alternative of submitting to an ignominious bondage, or of seeing those ties endangered which unite them to the mother country.

49. Resolved, That this House and the people whom it represents do not wish or intend to convey any threat; but that, relying as they do upon the principles of law and justice, they are and ought to be politically strong enough not to be exposed to receive insult from any man whomsoever, or bound to suffer it in silence; that the style of the said extracts from the despatches of the Colonial Secretary, as communicated to this House, is insulting and inconsiderate to such a degree that no legally constituted body, although its functions were infinitely subordinate to those of legislation, could or ought to tolerate them; that no similar example can be found even in the despatches of those of his predecessors in office least favourable to the rights of the colonies; that the tenor of the said despatches is incompatible with the rights and privileges of this House, which ought not to be called in question or defined by the Colonial Secretary, but which, as occasion may require, will be successively promulgated and enforced by this House.

50. Resolved, That with regard to the following expressions in one of the said Despatches, "should events unhappily force upon Parliament the exercise of its supreme authority to compose the internal dissension of the Colonies, it would be my object and my duty, as a servant of the Crown, to submit to Parliament such modifications of the

Charter of the Canadas as should tend, not to the introduction of institutions inconsistent with monarchical government, but to maintaining and strengthening the connexion with the mother country, by a close adherence to the spirit of the British constitution, and by preserving in their proper place and within their due limits the mutual rights and privileges of all classes of His Majesty's subjects;—if they are to be understood as containing a threat to introduce into the constitution any other modifications than such as are asked for by the majority of the people of this province, whose sentiments cannot be legitimately expressed by any other authority than its representatives, this House would esteem itself wanting in candour to the people of England, if it hesitated to call their attention to the fact that in less than 20 years the population of the United States of America will be as great or greater than that of Great Britain, and that of British America will be as great or greater than that of the former English Colonies was when the latter deemed that the time was come to decide that the inappreciable advantage of governing themselves instead of being governed, ought to engage them to repudiate a system of Colonial Government which was, generally speaking, much better than that of British America now is.

51. Resolved, That the approbation expressed by the Colonial Secretary, in his said despatch, of the present composition of the Legislative Council, whose acts, since its pretended reform, have been marked by party spirit and by invidious national distinctions and preferences, is a subject of just alarm to His Majesty's Canadian subjects in general, and more particularly to the great majority of them, who have not yielded at any time to any other class of the inhabitants of this province in their attachment to His Majesty's Government, in their love of peace and order, in respect for the laws, and in their wish to effect that union among the whole people which is so much to be desired, to the end that all may enjoy freely and equally the rights and advantages of British subjects, and of the institutions which have been guaranteed to and are dear to the country; that the distinctions and preferences aforesaid have almost constantly been used and taken advantage of by the Colonial Administration of this Province, and the majority of the Legislative Councillors, Executive Councillors, Judges and other functionaries dependent upon it; and that nothing but the spirit of union among the several classes of the people, and their conviction that their interests are the same, could have prevented collisions incompatible with the prosperity and safety of the province.

52. Resolved, That since a circumstance, which did not depend upon the choice of the majority of the people, their French origin and their use of the French language, has been made by the colonial authorities a pretext for abuse, for exclusion, for political inferiority, for a separation of rights and interests; this House now appeals to the justice of His Majesty's Government and of Parliament, and to the honour of the people of England; that the majority of the inhabitants of this country are in nowise disposed to repudiate any one of the advantages they derive from their origin and from their descent from the French nation, which, with regard to the progress of which it has been the cause in civilization, in the sciences, in letters, and in the arts, has never been behind the British nation, and is now the worthy rival of the latter in the advancement of the cause of liberty and of the science of Government; from which this country derives the greater portion of its civil and ecclesiastical law, and of its scholastic and charitable institutions, and of the religion, language, habits, manners and customs of the great majority of its inhabitants.

53. Resolved, That our fellow-subjects, of British origin, in this province, came to settle themselves in a country, "the inhabitants whereof, professing the religion of the Church of Rome, enjoyed an established form of constitution and system of laws, by which their persons and their property had been protected, governed and ordered, during a long series of years, from the first establishment of the province of Canada;" that, prompted by these considerations, and guided by the rules of justice and of the law of nations, the British Parliament enacted that, "in all matters of controversy, relative to property and civil rights, resort should be had to the laws of Canada;" that when Parliament afterwards departed from the principle thus recognised, firstly, by the introduction of the English criminal law, and afterwards by that of the representative system, with all the constitutional and parliamentary law necessary to its perfect action, it did so in conformity to the sufficiently expressed wish of the Canadian people; and that every attempt on the part of public functionaries or of other persons (who on coming to settle in the province, made their condition their own voluntary act) against the existence of any portion of the laws and institutions peculiar to the country, and any preponderance given to such persons in the Legislative and Executive Councils, in the courts of law, or in other departments, are contrary to the engagements of the British Parliament, and to the rights guaranteed to His Majesty's Canadian subjects, on the faith of the national honour of England, and on that of capitulations and treaties.

54. Resolved, That any combination, whether effected by means of Acts of the British Parliament, obtained in contravention to its former engagements, or by means of the partial and corrupt administration of the present constitution and system of law, would be a violation of those rights, and would, as long as it should exist, be obeyed by the people from motives of fear and constraint, and not from choice and affection; that the conduct of the Colonial Administrations and of their agents and instruments in this colony, has for the most part been of a nature unjustly to create apprehensions as to the views of the people and government of the mother country, and to endanger the confidence and content of the inhabitants of this province, which can only be secured by equal laws, and by the observance of equal justice, as the rule of conduct in all the departments of the Government.

55. Resolved,

55. Resolved, That whether the number of that class of His Majesty's subjects in this province, who are of British origin, be that mentioned in the said address of the Legislative Council, or whether (as the truth is) it amounts to less than half that number, the wishes and interests of the great majority of them are common to them and to their fellow-subjects of French origin, and speaking the French language; that the one class love the country of their birth, the other that of their adoption; that the greater portion of the latter have acknowledged the generally beneficial tendency of the laws and institutions of the country, and have laboured, in concert with the former, to introduce into them gradually, and by the authority of the Provincial Parliament, the improvements of which they have, from time to time, appeared susceptible, and have resisted the confusion which it has been endeavoured to introduce into them in favour of schemes of monopoly and abuse, and that all without distinction wish anxiously for an impartial and protecting Government.

56. Resolved, That in addition to administrative and judicial abuses which have had an injurious effect upon the public welfare and confidence, attempts have been made, from time to time, to induce the Parliament of the United Kingdom, by deceiving its justice and abusing its benevolent intentions, to adopt measures calculated to bring about combinations of the nature above mentioned, and to pass Acts of internal legislation for this province, having the same tendency, and with regard to which the people of the country had not been consulted; that, unhappily, the attempts to obtain the passing of some of these measures were successful, especially that of the Act of the 6 Geo. 4, c. 59, commonly called the "Tenures Act," the repeal of which was unanimously demanded by all classes of the people, without distinction, through their representatives, a very short time after the number of the latter was increased; and that this House has not yet been able to obtain from His Majesty's representative in this province, or from any other source, any information as to the views of His Majesty's Government in England with regard to the repeal of the said Act.

57. Resolved, That the object of the said Act was, according to the benevolent intentions of Parliament, and as the title of the Act sets forth, the extinction of feudal and seigniorial rights and dues on lands held *en fief* and *à cens* in this province, with the intention of favouring the great body of the inhabitants of the country, and protecting them against the said dues, which were regarded as burdensome; but that the provisions of the said Act, far from having the effect aforesaid, afford facilities to seigniors to become, in opposition to the interests of their *censitaires*, the absolute proprietors of the extensive tracts of unconceded lands which, by the law of the country, they held only for the benefit of the inhabitants thereof, to whom they were bound to concede them in consideration of certain limited dues; that the said Act, if generally acted upon, would shut out the mass of the permanent inhabitants of the country from the vacant lands in the seigniories, while at the same time they have been constantly prevented from settling on the waste lands of the Crown on easy and liberal terms, and under a tenure adapted to the laws of the country, by the partial, secret and vicious manner in which the Crown Land department has been managed, and by the provisions of the Act aforesaid, with regard to the laws applicable to the lands in question; and that the application made by certain seigniors for a change of tenure, under the authority of the said Act, appear to prove the correctness of the view which this House has taken of its practical effect.

58. Resolved, That it was only in consequence of an erroneous supposition that feudal charges were inherent in the law of this country, as far as the possession and transmission of real property and the tenures recognised by that law were concerned, that it was enacted in the said Act that the lands with regard to which a change of tenure should be effected, should thereafter be held under the tenure of free and common soccage; that the seigniorial charges have been found burdensome in certain cases, chiefly by reason of the want of adequate means of obtaining the interference of the Colonial Government and of the courts of law, to enforce the ancient law of the country in that behalf, and that the Provincial Legislature was, moreover, fully competent to pass laws providing for the redemption of the said charges in a manner which should be in accordance with the interests of all parties, and for the introduction of the free tenures recognised by the laws of the country; that the House of Assembly has been repeatedly occupied, and now is occupied about this important subject; but that the said Tenures Act, insufficient of itself to effect equitably the purpose for which it was passed, is of a nature to embarrass and create obstacles to the effectual measures which the legislature of the country, with a full knowledge of the subject, might be disposed to adopt; and that the application thus made (to the exclusion of the Provincial Legislature) to the Parliament of the United Kingdom, which was far less competent to make equitable enactments on a subject so complicated in its nature, could only have been made with a view to unlawful speculations and the subversion of the laws of the country.

59. Resolved, That, independently of its many other serious imperfections, the said Act does not appear to have been founded on a sufficient knowledge of the laws which govern persons and property in this country, when it declares the laws of Great Britain to be applicable to certain incidents to real property therein enumerated; and that it has only served to augment the confusion and doubt which had prevailed in the courts of law, and in private transactions with regard to the law which applied to lands previously granted in free and common soccage.

60. Resolved, That the provision of the said Act which has excited the greatest alarm, and which is most at variance with the rights of the people of the country, and with those of the Provincial Parliament, is that which enacts that lands previously held *en fief* or *en censine* shall, after a change of tenure shall have been effected with regard to them, be held in free and common soccage, and thereby become subject to the laws of Great Britain,

under the several circumstances therein mentioned and enumerated; that besides being insufficient in itself, this provision is of a nature to bring into collision, in the old settlements, at multiplied points of contiguity, two opposite systems of laws, one of which is entirely unknown to this country, in which it is impossible to carry it into effect; that from the feeling manifested by the colonial authorities and their partisans towards the inhabitants of the country, the latter have just reason to fear that the enactment in question is only the prelude to the final subversion, by Acts of Parliament of Great Britain, fraudulently obtained in violation of its former engagements, of the system of laws by which the persons and property of the people of this province were so long happily governed.

61. Resolved, That the inhabitants of this country have just reason to fear that the claims made to the property of the seminary of St. Sulpice, at Montreal, are attributable to the desire of the colonial administration, and its agents and tools, to hasten this deplorable state of things; and that His Majesty's Government in England would, by re-assuring His faithful subjects on this point, dissipate the alarm felt by the clergy, and by the whole people without distinction, and merit their sincere gratitude.

62. Resolved, That it is the duty of this House to persist in asking for the absolute repeal of the said Tenures Act, and until such repeal shall be effected, to propose to the other branches of the Provincial Parliament such measures as may be adapted to weaken the pernicious effects of the said Act.

63. Resolved, That this House has learned with regret, from one of the said despatches of the Colonial Secretary, that His Majesty has been advised to interfere in a matter which concerns the privileges of this House; that in the case there alluded to, this House exercised a privilege solemnly established by the House of Commons, before the principle on which it rests became the law of the land; that this privilege is essential to the independence of this House, and to the freedom of its votes and proceedings; that the resolutions passed by this House, on the 15th of February 1831, are constitutional and well-founded, and are supported by the example of the Commons of Great Britain; that this House has repeatedly passed bills for giving effect to the said principle, but that these bills failed to become law, at first from the obstacles opposed to them in another branch of the Provincial Legislature, and subsequently by reason of the reservation of the last of the said bills for the signification of His Majesty's pleasure in England, whence it has not yet been sent back; that until some bill to the same effect shall become law, this House persists in the said resolutions; and that the refusal of his Excellency, the present Governor-in-chief, to sign a writ for the election of a knight representative for the county of Montreal, in the place of Dominique Mondelet, esquire, whose seat had been declared vacant, is a grievance of which this House is entitled to obtain the redress, and one which would alone have sufficed to put an end to all intercourse between it and the Colonial Executive, if the circumstances of the country had not offered an infinite number of other abuses and grievances against which it is urgently necessary to remonstrate.

64. Resolved, That the claims which have for many years been set up by the Executive Government to that control over and power of appropriating a great portion of the revenues levied in this province, which belong of right to this House, are contrary to the rights and to the constitution of the country; and that with regard to the said claims, this House persists in the declarations it has heretofore made.

65. Resolved, That the said claims of the Executive have been vague and varying; that the documents relative to the said claims, and the accounts and estimates of expenses laid before this House, have likewise been varying and irregular, and insufficient to enable this House to proceed with a full understanding of the subject on the matters to which they related; that important heads of the public revenue of the Province, collected either under the provisions of the law or under arbitrary regulations, made by the Executive, have been omitted in the said accounts; that numerous items have been paid out of the public revenue without the authority of this House, or any acknowledgment of its control over them, as salaries for sinecure offices, which are not recognized by this House, and even for other objects for which, after mature deliberation, it had not deemed it expedient to appropriate any portion of the public revenue; and that no accounts of the sums so expended have been laid before this House.

66. Resolved, That the Executive Government has endeavoured by means of the arbitrary regulations aforesaid, and particularly by the sale of the waste lands of the Crown, and of the timber on the same, to create for itself out of the revenue which this House only has the right of appropriating, resources independent of the control of the representatives of the people; and that the result has been a diminution of the wholesome influence which the people have constitutionally the right of exercising over the administrative branch of the Government, and over the spirit and tendency of its measures.

67. Resolved, That this House having, from time to time, with a view to proceed by bill, to restore regularity to the financial system of the province, and to provide, for the expenses of the administration of justice and of His Majesty's Civil Government therein, asked the Provincial Government by address for divers documents and accounts relating to financial matters, and to abuses connected with them, has met with repeated refusals, more especially during the present session and the preceding one; that divers subordinate public functionaries, summoned to appear before committees of this House to give information on the said subject, have refused to do so in pursuance of the said claim set up by the Provincial Administrations to withdraw a large portion of the public income and expenditure from the control and even from the knowledge of this House; that during the present session one of the said subordinate functionaries of the Executive being called upon to produce the originals of sundry registers of warrants and reports, which it was important to this House to cause to be examined, insisted on being present at the deliberations of the committee

mittee appointed by the House for that purpose; and that the head of the administration being informed of the fact, refrained from interfering, although in conformity to Parliamentary usage, this House had pledged itself that the said documents should be returned, and although the Governor-in-chief had himself promised communication of them.

68. Resolved, That the result of the secret and unlawful distribution of a large portion of the public revenue of the province has been, that the Executive Government has always, except with regard to appropriations for objects of a local nature, considered itself bound to account for the public money to the Lords Commissioners of the Treasury in England, and not to this House, nor according to its votes, or even in conformity to the laws passed by the Provincial Legislature; and that the accounts and statements laid before this House from time to time have never assumed the shape of a regular system of balanced accounts, but have been drawn up, one after another, with such alterations and irregularities as it pleased the administration of the day to introduce into them, from the accounts kept with the Lords of the Treasury, in which the whole public money received was included, as well as all the items of expenditure, whether authorized or unauthorized by the Provincial Legislature.

69. Resolved, That the pretensions and abuses aforesaid have taken away from this House even the shadow of control over the public revenue of the province, and have rendered it impossible for it to ascertain at any time the amount of revenue collected, the disposable amount of the same, and the sums required for the public service; and that the House having during many years passed bills, of which the models are to be found in the Statute-book of Great Britain, to establish a regular system of accountability and responsibility in the department connected with the receipt and expenditure of the revenue, these bills have failed in the Legislative Council.

70. Resolved, That since the last session of the Provincial Parliament, the Governor-in-chief of this Province, and the members of his Executive Government, relying on the pretensions above mentioned, have without any lawful authority paid large sums out of the public revenue, subject to the control of this House; and that the said sums were divided according to their pleasure, and even in contradiction to the votes of this House, as incorporated in the Supply Bill passed by it during the last session, and rejected by the Legislative Council.

71. Resolved, That this House will hold responsible for all monies which have been, or may hereafter be paid, otherwise than under the authority of an Act of the Legislature, or upon an address of this House, out of the public revenue of the province, all those who may have authorized such payments, or participated therein, until the said sums shall have been reimbursed, or a bill or bills of indemnity freely passed by this House shall have become law.

72. Resolved, That the course adopted by this House in the Supply Bill, passed during the last session, of attaching certain conditions to certain votes, for the purpose of preventing the accumulation of incompatible offices in the same persons, and of obtaining the redress of certain abuses and grievances, is wise and constitutional, and has frequently been adopted by the House of Commons, under analogous circumstances; and that if the Commons of England do not now so frequently recur to it, it is because they have happily obtained the entire control of the revenue of the nation, and because the respect shown to their opinions with regard to the redress of grievances and abuses, by the other constituted authorities, has regulated the working of the constitution in a manner equally adapted to give stability to His Majesty's Government, and to protect the interests of the people.

73. Resolved, That it was anciently the practice of the House of Commons to withhold supplies until grievances were redressed; and that in following this course in the present conjuncture, we are warranted in our proceeding, as well by the most approved precedents, as by the spirit of the constitution itself.

74. Resolved, That if hereafter, when the redress of all grievances and abuses shall have been effected, this House should deem it fit and expedient to grant supplies, it ought not to do so otherwise than in the manner mentioned in its fifth and sixth resolution of the 16 March 1833, and by appropriating by its votes in an especial manner, and in the order in which they are enumerated in the said resolutions, the full amount of those heads of revenue, to the right of appropriating which claims have been set up by the Executive Government.

75. Resolved, That the number of the inhabitants of the country being about 600,000, those of French origin are about 525,000, and those of British or other origin 75,000; and that the establishment of the civil government of Lower Canada for the year 1832, according to the yearly returns made by the Provincial Administration, for the information of the British Parliament, contained the names of 157 officers and others receiving salaries, who are apparently of British or foreign origin, and the names of 47 who are apparently natives of the country, of French origin: that this statement does not exhibit the whole disproportion which exists in the distribution of the public money and power, the latter class being for the most part appointed to the inferior and less lucrative offices, and most frequently only obtaining even these by becoming the dependents of those who hold the higher and more lucrative offices; that the accumulation of many of the best paid and most influential, and at the same time incompatible offices, in the same person, which is forbidden by the laws and by sound policy, exists especially for the benefit of the former class; and that two-thirds of the persons included in the last commission of the peace issued in the province are apparently of British or foreign origin, and one-third only of French origin.

76. Resolved, That this partial and abusive practice of bestowing the great majority of official places in the province on those only who are least connected with its permanent interests, and with the mass of its inhabitants, has been most especially remarkable in the judicial department, the judges for the three great districts having, with the exception of

one only in each, been systematically chosen from that class of persons, who, being born out of the country, are the least versed in its laws, and in the language and usages of the majority of its inhabitants; that the result of their intermeddling in the politics of the country, of their connexion with the Members of the Colonial Administration, and of their prejudices in favour of institutions foreign to and at variance with those of the country, is that the majority of the said judges have introduced great irregularity into the general system of our jurisprudence, by neglecting to ground their decisions on its recognised principles; and that the claim laid by the said judges to the power of regulating the forms of legal proceedings in a manner contrary to the laws, and without the interference of the legislature, has frequently been extended to the fundamental rules of the law and of practice; and that in consequence of the same system, the administration of the criminal law is partial and uncertain, and such as to afford but little protection to the subject, and has failed to inspire that confidence which ought to be its inseparable companion.

77. Resolved, That in consequence of their connexion with the members of the Provincial Administrations, and of their antipathy to the country, some of the said judges have, in violation of the laws, attempted to abolish the use in the courts of law of the language spoken by the majority of the inhabitants of the country, which is necessary to the free action of the laws, and forms a portion of the usages guaranteed to them in the most solemn manner by the law of nations and by statutes of the British Parliament.

78. Resolved, That some of the said judges, through partiality for political purposes, and in violation of the criminal law of England as established in this country, of their duty and of their oath, have connived with divers law officers of the Crown, acting in the interest of the Provincial Administration, to allow the latter to engross and monopolize all criminal prosecutions of what nature soever, without allowing the private prosecutor to intervene or be heard, or any advocate to express his opinion as *amicus curiæ*, when the Crown officers opposed it; that in consequence of this, numerous prosecutions of a political nature have been brought in the courts of law by the Crown officers against those whose opinions were unfavourable to the Administration for the time being; while it was impossible for the very numerous class of His Majesty's subjects to which the latter belonged to commence with the slightest confidence any prosecution against those who, being protected by the Administration, and having countenanced its acts of violence, had been guilty of crimes or misdemeanors; that the tribunals aforesaid have, as far as the persons composing them are concerned, undergone no modification whatever, and inspire the same fears for the future.

79. Resolved, That this House, as representing the people of this province, possesses of right, and has exercised within this province when occasion has required it, all the powers, privileges and immunities claimed and possessed by the Commons House of Parliament in the kingdom of Great Britain and Ireland.

80. Resolved, That it is one of the undoubted privileges of this House to send for all persons, papers and records, and to command the attendance of all persons, civil or military, resident within the province, as witnesses in all investigations which this House may deem it expedient to institute; and to require such witnesses to produce all papers and records in their keeping, whenever it shall deem it conducive to the public good to do so.

81. Resolved, That as the grand inquest of the province, it is the duty of this House to inquire concerning all grievances, and all circumstances which may endanger the general welfare of the inhabitants of the province, or be of a nature to excite alarm in them with regard to their lives, their liberty, and their property, to the end that such representations may be made to our Most Gracious Sovereign, or such legislative measures introduced, as may lead to the redress of such grievances, or tend to allay such alarm; and that far from having a right to impede the exercise of these rights and privileges, the Governor-in-chief is deputed by his Sovereign, is invested with great powers, and receives a large salary, as much for defending the rights of the subject and facilitating the exercise of the privileges of this House, and of all constituted bodies, as for maintaining the prerogatives of the Crown.

82. Resolved, That since the commencement of the present session, a great number of petitions relating to the infinite variety of objects connected with the public welfare, have been presented to this House, and many messages and important communications received by it, both from His Majesty's Government in England and from His Majesty's Provincial Government; that many bills have been introduced in this House, and many important inquiries ordered by it, in several of which the Governor-in-chief is personally and deeply implicated; that the said petitions from our constituents, the people of all parts of this province; the said communications from His Majesty's Government in England and from the Provincial Government; the said bills already introduced or in preparation; the said inquiries commenced and intended to be diligently prosecuted, may and must necessitate the presence of numerous witnesses, the production of numerous papers, the employment of numerous clerks, messengers and assistants, and much printing, and lead to inevitable and daily disbursements, forming the contingent expenses of this House.

83. Resolved, That from the year 1792 to the present, advances had constantly been made to meet these expenses, on addresses similar to that presented this year by this House to the Governor-in-chief, according to the practice adopted by the House of Commons; that an address of this kind is the most solemn vote of credit which this House can pass, and that almost the whole amount of a sum exceeding 277,000 *l.* has been advanced on such votes by the predecessors of his Excellency the Governor-in-chief, and by himself (as he acknowledges by his message of the 18th January 1834), without any risk having ever been incurred by any other governor on account of any such advance, although several of them have had differences, attended by violence and injustice on *their* part, with the House of Assembly, and without their apprehending that the then next Parliament would not be disposed to make good the engagements of the House of Assembly for the time being; and

and that this refusal of the Governor-in-chief, in the present instance, essentially impedes the despatch of the business for which the Parliament was called together, is derogatory to the rights and honour of this House, and forms another grievance for which the present administration of this province is responsible.

84. Resolved, That besides the grievances and abuses before mentioned, there exist in this province a great number of others (a part of which existed before the commencement of the present administration, which has maintained them, and is the author of a portion of them), with regard to which this House reserves to itself the right of complaining and demanding reparation, and the number of which is too great to allow of their being enumerated here: that this House points out, as among that number,

1stly. The vicious composition and the irresponsibility of the Executive Council, the members of which are at the same time judges of the Court of Appeals, and the secrecy with which not only the functions, but even the names of the members of that body have been kept from the knowledge of this House, when inquiries have been instituted by it on the subject.

2dly. The exorbitant fees illegally exacted in certain of the public offices, and in others connected with the judicial department, under regulations made by the Executive Council, by the judges, and by other functionaries usurping the powers of the legislature.

3dly. The practice of illegally calling upon the judges, to give their opinions secretly on questions which may be afterwards publicly and contradictorily argued before them; and the opinions themselves so given by the said judges, as political partizans, in opposition to the laws, but in favour of the administration for the time being.

4thly. The cumulation of public places and offices in the same persons, and the efforts made by a number of families connected with the administration, to perpetuate this state of things for their own advantage, and for the sake of domineering for ever, with interested views and in the spirit of party, over the people and their representatives.

5thly. The intermeddling of members of the Legislative Councils in the election of the representatives of the people, for the purpose of influencing and controlling them by force, and the selection frequently made of returning officers for the purpose of securing the same partial and corrupt ends; the interference of the present Governor-in-chief himself in the said elections; his approval of the intermeddling of the said legislative councillors in the said elections; the partiality with which he intervened in the judicial proceedings connected with the said elections, for the purpose of influencing the said proceedings, in a manner favourable to the military power and contrary to the independence of the judicial power; and the applause which, as commander of the forces, he bestowed upon the sanguinary execution of the citizens by the soldiery.

6thly. The interference of the armed military force at such elections, through which three peaceable citizens, whose exertions were necessary to the support of their families, and who were strangers to the agitation of the election, were shot dead in the streets; the applause bestowed by the Governor-in-chief and Commander of the Forces on the authors of this sanguinary military execution (who had not been acquitted by a petty jury) for the firmness and discipline displayed by them on that occasion.

7thly. The various faulty and partial systems which have been followed ever since the passing of the Constitutional Act, with regard to the management of the waste lands in this province, and have rendered it impossible for the great majority of the people of the country to settle on the said lands; the fraudulent and illegal manner in which, contrary to His Majesty's instructions, Governors, Legislative and Executive Councillors, Judges and subordinate officers have appropriated to themselves large tracts of the said lands; the monopoly of an extensive portion of the said lands in the hands of speculators residing in England, with which the province is now threatened; and the alarm generally felt therein with regard to the alleged participation of His Majesty's Government in this scheme, without its having deigned to re-assure his faithful subjects on this head, or to reply to the humble address to His Majesty adopted by this House during the last session.

8thly. The increase of the expenses of the Government without the authority of the Legislature, and the disproportion of the salaries paid to public functionaries for the services performed by them, to the rent of real property, and to the ordinary income commanded by the exertions of persons possessing talent, industry and economy equal to, or greater than those of the said functionaries.

9thly. The want of all recourse in the courts of law on the part of those who have just and legal claims on the Government.

10thly. The too frequent reservation of bills for the signification of His Majesty's pleasure, and the neglect of the Colonial-office to consider such bills, a great number of which have never been sent back to the province, and some of which have even been returned so late that doubts may be entertained as to the validity of the sanction given to them; a circumstance which has introduced irregularity and uncertainty into the legislation of the province, and is felt by this House as an impediment to the re-introduction of the bills reserved during the then preceding session.

11thly. The neglect on the part of the Colonial-office to give any answer to certain addresses transmitted by this House on important subjects; the practice followed by the administration of communicating in an incomplete manner, and by extracts, and frequently without giving their dates, the despatches received from time to time on subjects which have engaged the attention of this House; and the too frequent references to the opinion of His Majesty's Ministers in England, on the part of the provincial administration, upon points which it is in their power and within their province to decide.

12thly. The unjust retention of the college at Quebec, which forms part of the estates of the late Order of Jesuits, and which from a college has been transformed into a barrack for soldiers; the renewal of the lease of a considerable portion of the same estates, by the provincial executive, in favour of a member of the Legislative Council, since those estates were returned to the Legislature, and in opposition to the prayer of this House, and to the known wishes of a great number of His Majesty's subjects to obtain lands there, and to settle on them; and the refusal of the said executive to communicate the said lease, and other information on the subject, to this House.

13thly. The obstacles unjustly opposed by the executive, friendly to abuses and to ignorance, to the establishment of colleges endowed by virtuous and disinterested men, for the purpose of meeting the growing desire of the people for the careful education of their children.

14thly. The refusal of justice with regard to the accusations brought by this House, in the name of the people, against judges, for flagrant acts of malversation, and for ignorance and violation of the law.

15thly. The refusals on the part of the governors, and more especially of the present Governor-in-chief, to communicate to this House the information asked for by it, from time to time, and which it had a right to obtain, on a great number of subjects connected with the public business of the province.

16thly. The refusal of His Majesty's Government to reimburse to the province the amount for which the late Receiver-general was a defaulter, and its neglect to enforce the recourse which the province was entitled to against the property and person of the late Receiver-general.

85. Resolved, That the facts mentioned in the foregoing resolutions, demonstrate that the laws and constitutions of the province have not, at any period, been administered in a manner more contrary to the interests of His Majesty's Government, and to the rights of the people of this province, than under the present administration, and render it necessary that his Excellency Matthew Lord Aylmer, of Balrath, the present Governor-in-chief of this province, be formally accused by this House, of having, while acting as Governor, in contradiction to the wishes of the Imperial Parliament, and to the instructions he may have received, and against the honour and dignity of the Crown, and the rights and privileges of this House and the people whom it represents, so recomposed the Legislative Council as to augment the dissensions which rend this colony; of having seriously impeded the labours of this House, acting as the grand inquest of the country; of having disposed of the public revenue of the province, against the consent of the Representatives of the people, and in violation of the law and constitution; of having maintained existing abuses, and created new ones; of having refused to sign a writ for the election of a representative to fill a vacancy which had happened in this House, and to complete the number of representatives established by law for this province; and that this House expects from the honour, patriotism and justice of the reformed Parliament of the United Kingdom, that the Commons of the said Parliament will bring impeachments, and will support such impeachments before the House of Lords against the said Matthew Lord Aylmer, for his illegal, unjust and unconstitutional administration of the government of this province; and against such of the wicked and perverse advisers who have misled him, as this House may hereafter accuse, if there be no means of obtaining justice against them in the province, or at the hands of His Majesty's Executive Government in England.

86. Resolved, That this House hopes and believes, that the independent members of both Houses of the Parliament of the United Kingdom will be disposed, both from inclination and from a sense of duty, to support the accusations brought by this House, to watch over the preservation of its rights and privileges which have been so frequently and violently attacked, more especially by the present administration; and so to act, that the people of this province may not be forced by oppression to regret their dependence on the British Empire, and to seek elsewhere a remedy for their afflictions.

87. Resolved, That this House learned, with gratitude, that Daniel O'Connell, Esq. had given notice in the House of Commons in July last, that during the present Session of the Imperial Parliament, he would call its attention to the necessity of reforming the Legislative and Executive Councils in the two Canadas; and that the interest thus shown for our own fate by him whom the gratitude and blessings of his countrymen have, with the applause of the whole civilized world, proclaimed Great and Liberator, and of whom our fellow-countrymen entertain corresponding sentiments, keeps alive in us the hope that through the goodness of our cause and the services of such a friend, the British Parliament will not permit a minister, deceived by the interested representations of the provincial administration and its creatures and tools, to exert (as there is reason from his despatches to apprehend that he may attempt to do,) the highest degree of oppression, in favour of a system which in better times he characterized as faulty, and against subjects of His Majesty who are apparently only known to him by the great patience with which they have waited in vain for promised reforms.

88. Resolved, That this House has the same confidence in Joseph Hume, Esq., and feels the same gratitude for the anxiety which he has repeatedly shown for the good government of these colonies, and the amelioration of their laws and constitutions, and calls upon the said Daniel O'Connell and Joseph Hume, Esqrs., whose constant devotedness was, even under a tory ministry, and before the reform of Parliament, partially successful in the emancipation of Ireland, from the same bondage and the same political inferiority with which the communications received from the Colonial Secretary during the present session

menace the people of Lower Canada, to use their efforts that the laws and constitution of this province may be amended in the manner demanded by the people thereof; that the abuses and grievances of which the latter have to complain may be fully and entirely redressed; and that the laws and constitution may be hereafter administered in a manner consonant with justice, with the honour of the Crown and of the people of England, and with the rights, liberties and privileges of the people of this province, and of this House by which they are represented.

89. Resolved, That this House invites the members of the minority of the Legislative Council who partake the opinions of the people, the present members of the House of Assembly, until the next general election, and afterwards all the members then elected, and such other persons as they may associate with them, to form one committee or two committees of correspondence, to sit at Quebec and Montreal in the first instance, and afterwards at such place as they shall think proper; the said committees to communicate with each other, and with the several local committees which may be formed in different parts of the province, and to enter into correspondence with the Hon. Denis Benjamin Viger, the agent of this province in England, with the said Daniel O'Connell and Joseph Hume, Esqrs., and with such other members of the House of Lords or of the House of Commons, and such other persons in the United Kingdom of Great Britain and Ireland, as they may deem expedient, for the purpose of supporting the claims of the people of this province and of this House; of furnishing such information, documents and opinions as they may think adapted to make known the state, wishes and wants of the province; the said committees also to correspond with such persons as they shall think proper in the other British colonies, which are all interested, that the most populous of their sister colonies do not sink under the violent attempt to perpetuate the abuses and evils which result as well from the vices of its constitution as from the combined malversation of the administrative, legislative and judicial departments, out of which have sprung insult and oppression for the people, and, by a necessary consequence, hatred and contempt on their part for the provincial government.

90. Resolved, That the Honourable Denis Benjamin Viger be requested to remain at the seat of His Majesty's Government, at least during the present session of the Imperial Parliament, to continue to watch over the interests of the province with the same zeal and the same devotedness as heretofore, without suffering himself to be discouraged by mere formal objections on the part of those who are unwilling to listen to the complaints of the country.

91. Resolved, that the fair and reasonable expenses of the said two Committees of Correspondence, incurred by them in the performance of the duties entrusted to them by this House, are a debt which it contracts towards them; and that the representatives of the people are bound in honour to use all constitutional means to reimburse such expenses to the said Committee, or to such persons as may advance money to them for the purposes above mentioned.

92. Resolved, that the message from his Excellency the Governor-in-chief, received on the 13th of January last, and relating to the writ of election for the county of Montreal, with the extract from a despatch which accompanied it, the message from the same, received the same day, and relating to the Supply Bill, and the message from the same, received on the 14th January last, with the extract from a despatch which accompanied it, be expunged from the journals of this House.

Enclosure 6, in No. 1.

RESOLUTIONS proposed by Mr. Neilson on the 21st February 1834, in amendment of the Resolutions proposed by Mr. Bedard, and adopted by the Assembly.

"1. That the state of the province was fully considered by the House, and represented to His Majesty and both Houses of Parliament, in its humble addresses of the 16th March 1831; and that the answer thereto of His Majesty's then principal Secretary of State for the Colonial Department, dated the 7th July following, laid before this House on the 18th November of the same year, contains a solemn pledge on the part of His Majesty's Government, of its ready assent and co-operation in removing and remedying the principal grievances and abuses complained of in the said addresses, and that it is the bounden duty of this House to proceed in the spirit of the said despatch, to co-operate in promoting the peace, welfare, and good government of the province, conformably to the Act of the British Parliament under which it is constituted."

"2. That the extract of the despatch of His Majesty's principal Secretary of State for the Colonial Department, communicated to this House in the message of His Excellency the Governor-in-chief of the 14th January last, contains an acknowledgment of the continued disposition of His Majesty's Government to give effect to the recommendations of the Report of the Committee of the House of Commons of the 22d July 1828, made after a full investigation of the petitions of all classes of His Majesty's subjects in this province, and thereby furnishes an additional inducement to this House to proceed earnestly, diligently, and perseveringly, in so far as depends upon it, to secure for its constituents the advantages afforded by the said recommendations, cultivating harmony and good-will throughout the province, and promoting the general welfare."

"3. That it is urgent at the present time to make legislative provision for the advancement of the improvement of the province, and the amelioration of the condition of its inhabitants;

inhabitants; more particularly, 1st, for facilitating the occupation under secure titles of all lands in the vicinity of settlements, remaining in a state of wilderness, without the actual settler being burthened with any arbitrary or unnecessary dues or conditions, and either upon the ancient tenures of the country, or in free and common soccage, as may be the most agreeable to the occupant. 2d, For the greater certainty of the laws affecting real property throughout the province for the independence of the judges, and for facilitating the administration of justice and recourse against the provincial government in courts of law. 3d, For the greater responsibility of high public officers, and the trial within the province, of impeachments. 4th, For the settlement of all public accounts, and for a full and fair investigation into all salaries, emoluments of office, fees and expenses exacted under public authority, and a reduction of all unnecessary charges and burthens on the subject."

The House divided on the motion of amendment.

Yeas :—Messieurs Anderson, Baker, Berthelet, Caldwell, Casgrain, Cavillier, Davis, Duval, Goodhue, Gagy, Hoyle, Knowlton, Languedoc, Le Bautillier, Lemay, Neilson, Power, Quisnel, Stepart, Taylor, Wood, Wright, Wurtele and Young (24).

Nays :—Messieurs Amiot, Archambeault, Bedard, Bertrand, Besserer, Blanchard, Boissonnaults, Bouffard, Bourdages, Bureau, Careau, Cazeau, Courteau, Child, de Blenry, Dionne, Deligny, Deschamps, de Tonnancour, de Witt, Jacques Dorion, P. A. Dorion, Drolet, Fortin, Girouard, Guillet, Huot, Kimber, Latontaine, Larue, Letourneau, Leslie, Masson, Méthol, Morin, Mousseau, Noël, Paulin, Proulx, Raymond, Rivard, Roeburne, Rochon, Rodier, Scott, Simon, A. C. Taschereau, P. E. Taschereau, Tessier, Toomy, Trudel, Turgeon, Valois, Vanfelson, Godbout, and Viger (56).

Enclosure 7, in No. 1.

RESOLUTIONS of the ASSEMBLY upon the Secretary of State's Despatch, of 7th July 1831, in Answer to their Petition to the King.

1. Resolved, That this House receive with sentiments of gratitude the gracious expression of His Majesty's paternal regard for the welfare and happiness of his subjects in this province, as the proofs of a just and liberal policy towards them, contained in the despatch of His Majesty's Principal Secretary of State for the Colonial Department, dated the 7th of July last; but particularly the acknowledgments that the regulation of the internal affairs of the colony ought to be left exclusively to the local Legislature.

2. Resolved, That it is the opinion of this Committee, that this House sincerely participates in the feelings of kindness and good will manifested in the said despatch, and in the earnest desire to strengthen the bonds already subsisting between this colony and the parent state.

3. Resolved, That this House will proceed with all due diligence and deliberation to provide, as far as depends upon it, remedies for the various matters of complaint contained in its humble petition on the state of the province, forwarded at the close of last session, and referred to in the said despatch.

4. Resolved, That this House gratefully acknowledges the promptitude with which the petition to His Majesty was transmitted by his Excellency the Governor-in-Chief, and the early and perspicuous manner in which the same was considered and answered by the Right Honourable Lord Goderich, His Majesty's principal Secretary of State for the colonial department.

5. Resolved, That the 1st, 2d and 3d heads of the said despatch, relating to education, be referred to the standing Committee on education and schools.

6. Resolved, That the 5th head of the said despatch, relating to regulations of trade, be referred to the Committee of Trade.

7. Resolved, That the sixth, seventh, eighth and ninth heads of the said despatch, relating to the courts of justice and the state of the law, be referred to the Committee on the courts of justice.

8. Resolved, That the eleventh head of the said despatch, relating to executive and judiciary officers, be referred to the committee of grievances.

9. Resolved, That the twelfth head of the said despatch, relating to the responsibility and accountability of public officers, be referred to the committee of accounts.

10. Resolved, That the said committees severally, have power to report on the heads referred to them, by bill or otherwise.

11. Resolved, That this House will not fail to give its early and most deliberate attention to the promised despatches on the most important subjects of the crown lands, and selection and constitution of the Legislative Council, whenever the said despatches shall be laid before this House.

12. Resolved, That an humble address be presented to his Excellency the Governor-in-chief, with copies of the foregoing resolutions.

Ordered, That Mr. Neilson, Mr. Louis Bourdages, Mr. Dessaulles and Mr. Leslie, do present the said address to his Excellency the Governor-in-chief.

Enclosure 8, in No. 1.

LIST of the LEGISLATIVE COUNCIL.

N A M E.	Date and Mode of Appointment.	Whether the Individual holds any other, and what Office.
Jonathan Sewell - -	by mandamus dated 5 May 1808	-- he is also Chief Justice of the province and Speaker of the legislative council.
Charles J. Sewell, Bishop of Quebec - -	by mandamus dated 30 Jan. 1828.	-- he is also a Member of the executive council.
Sir G. Pownal, knight -	Date of mandamus not known.	—
Charles de St. Ours -	by mandamus dated 2 Dec. 1808.	—
John Hale - - -	by mandamus dated 3 Dec. 1808.	-- he is also Receiver-general for the province of Lower Canada.
Sir J. Caldwell, bart. -	by mandamus dated 15 Dec. 1811.	—
Herman W. Ryland -	by mandamus dated 17 Dec. 1811	-- he is also clerk of the executive council.
James Cuthbert - -	by mandamus dated 18 Dec. 1811.	—
Charles W. Grant -	by mandamus dated 21 Dec. 1811.	—
Pierre D. Debartzch.	—	—
Thomas Coffin - -	by mandamus dated 8 May 1817.	—
Roderic Mackenzie -	by mandamus dated 10 May 1817.	—
Louis Guly - - -	by mandamus dated 10 April 1818	-- he is also sheriff of the district of Montreal.
James Kerr - - -	by mandamus dated 19 Oct. 1821	-- he is also a puisne Judge of the Court of King's Bench for the district of Quebec, and Judge of the Court of Vice-admiralty for the province of Lower Canada.
Edward Bowen - -	by mandamus dated 20 Oct. 1821	-- he is also a puisne Judge of the Court of King's Bench for the district of Quebec.
William B. Felton -	by mandamus dated 4 April 1822	-- he is also Commissioner for the sale and management of Crown lands.
Mathew Bell - - -	by mandamus dated 30 April 1823.	—
Toussaint Pothier -	by mandamus dated 22 July 1824	—
John Stewart - - -	by mandamus dated 13 May 1825.	-- he is also a Member of the executive council, Master of the Trinity-house at Quebec, and Commissioner for managing the estates of the late order of Jesuits in Lower Canada.
John Forsyth - - -	by mandamus dated 3 July 1827.	—
Samuel Hatt - - -	by mandamus dated 25 Nov. 1829.	—
Denis B. Viger - -	by mandamus dated 30 Nov. 1829.	—
Louis Guy - - -	by mandamus dated 20 Dec. 1830.	—
George Moffatt - -	by mandamus dated 24 Dec. 1830.	—
Roc de St. Ours - -	by mandamus dated 1 Jan. 1832.	—
Peter M'Gill - - -	by mandamus dated 3 Jan. 1832.	—
John Molson - - -	by mandamus dated 4 Jan. 1832.	—
M. P. de Sales Laterriere	by mandamus dated 5 Jan. 1832.	—
Frs. X. Malhiol - -	by mandamus dated 6 Jan. 1832.	—
Jean Dessaulles - -	by mandamus dated 7 Jan. 1832.	—
Bart Joliette - - -	by mandamus dated 8 Jan. 1832.	—
Pierre de Rocheblave -	by mandamus dated 9 Jan. 1832.	—
Robert W. Harwood -	by mandamus dated 10 Jan. 1832.	—
Antoine G. Caillard -	by mandamus dated 11 Jan. 1832.	—
Horatio Gates - - -	by mandamus dated 1 Aug. 1832.	—
Robert Jones - - -	by mandamus dated 2 Aug. 1832.	—
James Baxter - - -	by mandamus dated Aug. 1832.	—
Francois Quirouet -	by mandamus dated 25 Oct. 1833.	—

Enclosure 9, in No. 1.

SUBSTANCE of ADDRESSES from the House of Assembly to the Governor-in-chief during the present Session, with His Excellency's Answers.

ADDRESSES for Information from the House of Assembly.	ANSWERS of His Excellency the Governor-in-chief.
1. For any information respecting the extension of the lease of the forges of St. Maurice.	That he has been authorised to extend the lease to the Honourable M. Bell for 10 years.
2. For copies of opinions and advice given by the persons consulted by His Excellency on the subject of the writ of election for a member for the County of Montreal, in place of Mr. Mondelet, who was expelled from the House of Assembly in consequence of his acceptance of office.— <i>Refused.</i>	That he must decline furnishing the information prayed for.
3. For statement of Lods et Ventés, in the suburbs of Quebec, and copies of instructions to the clerk of the terrars and inspector-general of the King's domain.	That the proper officer will be directed to furnish the information prayed for.
4. For the original accounts and vouchers of receipts and payments of the receiver-general from October 1830 to Oct. 1833.	That he must decline directing the receiver-general to divest himself of the possession of them, but that he shall be directed to attend the Committee and furnish them with such information as may be consistent with his duty to his superiors.
5. For half-yearly accounts of sales and monies received and expended by commissioner of Crown lands.	That he must decline furnishing the information prayed for.
6. For original accounts and vouchers of expenditure and revenue of the province, as may be required from time to time.	That the proper officer will be directed to furnish the information prayed for.
7. For record-book of warrants issued on receiver-general, record-book of reports of auditor-general, and record-book of reports kept by clerk of Executive Council.	Ditto.
8. For copy of despatch from Secretary of State respecting the Supply Bill of 1832.	He lays before the House of Assembly an extract from Viscount Goderich's Despatch of 9 April 1832. No. 92.
9. For blue book from 1830 inclusive.	The proper officer will be directed to furnish the information prayed for.
10. Whether the lease of the forges of St. Maurice has been extended to Mr. Bell, and if so, for a copy of the lease.— <i>Refused.</i>	The lease is now in the hands of the proper officer, for the purpose of being forfeited; but he must decline furnishing the House with a copy of it, in conformity with his decision upon the occasion of the Address of the Assembly of 22 Dec. 1832 upon the same subject.
11. For statement of monies appropriated and not yet paid, and probable amount of revenue to 10 October 1834.	That the proper officer will be directed to furnish the information prayed for.
12. For documents relating to the quarantine station at Grosse Isle.	Ditto.
13. For statement of monies in vault with three keys, and in receiver-general's vault.	Ditto.
14. For copy of proceedings before coroner at Montreal on the body of Solomon Barbeau, who died in that city in November last.	Ditto.
15. For copies of accounts rendered by commissioners named under Act 1 & 2 Will. 4, c. 21.	Ditto.
16. For statement of amount of revenue of the locks at the cascades, cedars, and Co-teau du Lac, since 1831.	Ditto.
17. For statement of lands granted or leased to Members of the Legislative and Executive Councils, judges, and other public officers since the date of the report made by the Committee of the House of Commons July 22 1828.	Ditto.

ADDRESSES for information from the House of Assembly.	ANSWERS of His Excellency the Governor-in-chief.
18. For quarterly statements of receipts and payments of receiver-general from January 1831 to January 1834, distinguishing the civil government from the Jesuits' estates.	That the proper officer will be directed to furnish the information prayed for.
19. For quarterly statements of amount in receiver-general's vault and vault with three locks from January 1831 to January 1834.	Ditto.
20. For information and statements relative to the disposal of Crown lands and clergy reserves in certain townships.— <i>Refused.</i>	Having already declined furnishing the information prayed for, he cannot permit the commissioner of Crown lands to accede thereto on the present occasion.
21. For information respecting the affairs of the late receiver-general, Sir John Caldwell.	That in answer to a reference he made to the Secretary of State for the Colonial Department upon this subject, he has been informed that the Lords Commissioners of His Majesty's Treasury have instructed their solicitor to press the appeal of Mr. H. Caldwell before the privy council to a decision, and that no arrangements have been made with Sir J. Caldwell since that by the Lords of the Treasury on 21 March 1826.
22. For correspondence between the Provincial Government and proprietors of land taken by Government for the Grenville Canal.	That the proper officer will be directed to furnish the information prayed for.
23. For information as to the objections which exist to the appointment of Jews as magistrates.	Ditto.
24. For copies of all correspondence that has taken place between His Majesty's Government and the Seminary of St. Sulpice, of Montreal, and copies of suits brought by the law officers on the subject.— <i>Refused.</i>	That he must decline furnishing the information prayed for, and that he much regrets that he cannot feel justified in so doing, as the correspondence furnishes indisputable proofs of the liberal and disinterested views of His Majesty's Government regarding the seminary, and of their anxiety to promote the prosperity of the City of Montreal.—He is not aware of any suits having been brought.
25. For copy of Instructions to the medical board appointed to examine wounded militia men.	That the proper officer will be directed to furnish the information prayed for.

Enclosure 10, in No. 1.

STATEMENT showing the Amount of the CIVIL EXPENDITURE in *Lower Canada* for the Year 1833, the Amount which was paid on Account thereof, and the Balance still remaining unpaid.

	£.	s.	d.
The amount of the civil expenditure of the year 1833, as estimated for, is	54,604	16	6
Deduct expenses of the Legislature, to be paid out of funds at their disposal	14,917	8	—
	39,687	8	6
Add permanent civil list, not included in the estimate	5,900	—	—
	45,587	8	6
On account of the sum there was paid out of certain revenues at the disposal of the Crown by provincial Acts, and out of the casual and territorial revenues	14,082	4	9
Balance still unpaid, sterling	31,505	3	9
The net produce collected under the Imperial Act 14 Geo. 3, c. 88, in the year 1833, for Lower Canada, was	34,317	18	6

Quebec, 3 March, 1834.

(signed)

Jos. Cary, }
J. G. P. P. } Accountants.

Enclosure 11, in No. 1.

STATEMENT showing the probable Amount of the REVENUES of *Lower Canada* which have hitherto been considered at the disposal of the Crown, and of the Civil Expenditure to be defrayed thereout, for the year ending 10th October 1834.

	£.	s.	d.
Probable net amount of the casual and territorial revenue, exclusive of land and timber-fund - - - - -	4,800	-	-
Probable net amount of the produce of the provincial Act 41 Geo. 3 - - -	5,200	-	-
Annual aid by provincial Act 35 Geo. 3 - - - - -	5,000	-	-
Probable net produce of the Imperial Act 14 Geo. 3, c. 88 - - -	34,000	-	-
Total Revenue, sterling - - - £.	49,000	-	-
The estimated amount of the civil expenditure of the year 1834 is - - - - -	59,395	13	4
Deduct expenses of the Legislature, to be paid out of the funds at their disposal - - - - -	19,265	1	10
	40,130	11	6
Add amount of permanent civil list, not included in the estimate - - - - -	5,900	-	-
	46,030	11	6
Surplus sterling - - - £.	2,969	8	6

Quebec, 3 March 1834.

(signed)

Jos. Cary,
J. G. P. P. A.

Enclosure 12, in No. 1.

STATEMENT showing the Amounts of the ESTIMATES for the CIVIL EXPENDITURE of *Lower Canada* for the Years from 1829 to 1834 inclusive.

Year.	Amount Sterling.	EXPLANATIONS.
	£. s. d.	
1829	62,123 10 9	The excess of the estimate for 1830 over that for 1829 arises from the following items being charged more in 1830:— £. Lieut.-gov. of Gaspé is charged for two years' difference 300 Provincial agent - - ditto - - ditto - - 200 Auditor-general's office ditto - - ditto - - 500 Contingencies of the Legislative Council - - - 1,260 Ditto - - - House of Assembly - - - 3,150 Circuits - - - - - 591 Contingencies of the administration of justice - - 1,068 Miscellaneous - - - - - 1,700 Repairs to public buildings - - - - - 3,000
1830	71,246 17 -	The following items, charged in the estimate for 1830, were omitted in that for 1831:— £. Salary of Lieutenant-governor of Gaspé for two years - 600 Ditto provincial agent for two years - - - 400 Ditto auditor-general - ditto - - - 1,000 Ditto two provincial judges, difference - - - 400 Ditto advocate-general for two years - - - 400 Ditto chairman of the quarter sessions - - - 1,250 Ditto chairman at Gaspé, for two years - - - 450 Pensions - - - - - 440 Circuits, less - - - - - 1,041 Contingencies of the Legislature, less than the year 1830 4,460 Miscellaneous - - - - - 2,741
1831	57,154 19 6	

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Years.	Amount Sterling.		EXPLANATIONS.
	£.	s. d.	
			The following items in the estimate for 1832 were charged more than in 1831 :—
			£.
1832	64,357	- 10	{ Contingencies of Assembly - - - - - 2,225
			{ Indemnity to Members - - - - - 2,500
			{ For unforeseen expenses of Government - - - 1,000
			{ Items before paid out of the Jesuits' estates - - 1,067
1833	54,604	16 6	{ This decrease is accounted for by the Permanent Civil List, not included - - - - - 5,900
			{ Salary of Lieutenant-governor, omitted - - - 1,500
			{ Indemnity to Members of Assembly, omitted - - 2,500
1834	59,395	13 4	{ The contingencies of the House of Assembly were increased this year - - - - - 4,347

— No. 2. —

COPY of a DESPATCH from Lord *Aylmer* to the Earl of *Aberdeen*.

My Lord, Castle of St. Lewis, Quebec, 18 March 1835.

On the 14th instant I had the honour of transmitting to your Lordship an Address to The King (engrossed on parchment), of the House of Assembly of Lower Canada, on the state of the province. I now take leave to offer some observations on those passages only of the Address which immediately concern my administration of the Government of the province, and abstaining from taking any notice of the other passages in the Address, in which the proceedings of His Majesty's Government at home, and the House of Commons have been adverted to.

No. 1, Copy of Address.

In the first place, I can only answer to the imputations of the House of Assembly, affecting myself individually of being actuated by "vindictive and bitter feelings," and of "arbitrary and unbecoming conduct on my part displayed towards the people of the province," that the truth of those imputations can only be judged of by the public acts of my administration which speak for themselves, and require neither comment or explanation in so far as regards the feelings and conduct imputed to me by the Assembly.

The House of Assembly complain, "that the chief recommendation to office continues to be a marked and bitter animosity towards the people of this province, that it is seldom men of French Canadian origin find their way into office under any circumstances," and so forth.

The assertion that it is seldom men of French Canadian origin find their way into office, is best answered by a reference to facts. From the accompanying statement, it appears that of 142 appointments which have been made to offices of profit and emolument, from the commencement of my administration in the month of October 1830 to the 1st of the present month (March 1835), 80 are of French origin, and 62 not of French origin, that during the same period the appointments made to offices, not of profit and emolument, amounting to 580; 295 are of French origin, and 285 not of French origin. It thus appears, that in the two instances above-mentioned, the one of appointments to offices of profit and emoluments, and the other to offices not of profit and emolument, the advantage is on the side of individuals of French origin.

No. 2.

In regard of the appointment of commissioners for the trial of small causes in different parts of the country, the same statement shows that those appointments amounted during the same period to 330, of which 151 are of French origin, and 179 not of French origin, leaving a trifling numerical advantage in favour of the latter class, which is accounted for in a *nota bene* at the foot of the statement.

The appointments to be commissioners for the trial of small causes had no connexion

connexion whatever with the general election, during which the Local Government preserved the strictest neutrality. An augmentation of the number of the magistrates in various parts of the country, which had been in contemplation for some time, was suspended on that occasion to avoid anything that could bear the appearance of an interference with the elections; and the same returning officers in the several counties, cities and boroughs who had before performed that office, were re-appointed, although it was perfectly well known that the greater number of them were favourable to the party opposed to the Government, and those only of the former returning officers were removed (a few in number), who had on previous occasions incurred the censure of the majority of the House of Assembly.

The assertion of the House of Assembly, that the persons appointed by me to office are men who display "a marked and bitter animosity towards the people of this province," must appear very extraordinary after reviewing the accompanying statement of appointments to office during my administration, and it is one which I find difficult to answer, because the individuals alluded to are themselves taken from "the people of the province," towards whom they are represented as entertaining sentiments of "marked and bitter animosity."

The drift of this assertion of the House of Assembly is evidently to make it appear that the Canadians of French origin are unfairly dealt with in the distribution of offices; and it is made a matter of complaint with a certain political party in the province, which is identified with the majority of the House of Assembly, that the Canadians of French origin are not appointed to office in numbers corresponding with their proportion to the whole population of the province. Upon this point I take leave to submit a few observations to your Lordship's consideration. They occur in my answer to an address from the inhabitants of Montreal during the last summer, and are introduced here in order that they may be presented to your Lordship's notice in an official form.

If it be desirable that a rule should be established for the distribution of the honours and employments at the disposal of the Crown amongst the King's subjects in the province of different origin, according to their relative numbers, it becomes a matter for consideration, in what manner this object is to be accomplished. Is it proposed to separate and divide into classes the inhabitants of English, French, Scotch, Irish and American birth or origin; and in like manner to parcel out into shares proportioned to their respective numbers all those honours and employments assigning to each class its due proportion? or, is it proposed, that successively as employments in the various departments of the administration become disposable, they shall be conferred on individuals of the several classes in rotation, thereby establishing a species of lottery of the favours and distinctions of Government.

In giving effect to the principle of distribution above-mentioned, the necessary calculations for ascertaining the numbers in each class must undergo frequent revisions, with reference to the constant changes going forward in the component parts of the population of the province from the effects of immigration and other circumstances. These, and other details, would inevitably give rise to further complaints and jealousies; but what is more than all to be deprecated, the principle above-mentioned directly tends to keep alive and perpetuate those very distinctions of national origin, which have been complained of, and of which the traces cannot, for the tranquility and prosperity of the province, be too speedily or too effectually obliterated.

It is not in the light in which this subject has just been placed that I understand the liberal views of His Majesty's Government, but rather that the most rigid impartiality shall be observed in distributing the honours and employments at the disposal of the Crown, and that without reference to national origin, he who may be considered the best qualified for employment, or most deserving of honour, shall be the individual preferred.

This, as I understand it, is the principle upon which His Majesty's Representative in the province should govern his proceedings in the distribution of the honours and employments at the disposal of the Crown, a departure from it in favour of any particular class can alone constitute a just ground of complaint, and if inflexibly and steadily acted upon, no such ground of complaint can reasonably be brought forward on any side.

I have only to add, my Lord, to the foregoing observations, that the principles they

they inculcate have served as the rule of my public conduct in the administration of the Government of this province; and that in selecting individuals for office, I have invariably made choice of those who, according to the best of my judgment, were best qualified for it, without partiality, favour or affection.

It appears from the statement which accompanies this despatch, and referred to above, that of the appointments to offices of profit and emolument which have been made during my administration, more than one-half have been bestowed upon Canadians of French origin. The assertion of the House of Assembly, therefore, that "it is seldom men of French Canadian origin find their way into office under any circumstances," has been fully disproved. And with reference to the complaints of the Assembly upon that head, I beg to call your Lordship's attention to the fact, that the whole of the preferment of the Roman-catholic church in the province, exceeding 25,000 *l.* per annum, besides fees and dues, is almost exclusively in the hands of "men of French Canadian origin;" the head of their church, in the province (himself invariably a French Canadian enjoying a large revenue, of which 1,000 *l.* per annum is paid out of the military chest), disposing of that preferment at pleasure, and without the slightest interference or control being ever attempted on the part of the Local Government. I beg not to be understood in stating this fact, that I contemplate or would desire to see any change in the present system of patronage in the Catholic church, far from it; the fact is brought forward merely with reference to the complaints of the Assembly.

In addition to the foregoing advantage enjoyed almost exclusively by "men of French Canadian origin," the appointment of teachers in the schools established in the country parts of the province, under the authority of Acts of the Provincial Legislature, with salaries and allowances amounting altogether to 18,000 *l.* per annum, is virtually at the disposal of the Members of the House of Assembly, of whom the great majority (66 out of 88) are of French origin.

Taking together the facts which I have had the honour of stating above, your Lordship will perhaps be of opinion that the Assembly have no reasonable cause to complain of the men of "French Canadian origin" being upon an inferior footing to their fellow subjects of British and other origin in the province, in regard to the enjoyment of offices of profit or emolument.

The House of Assembly next complain, that "even the sacred character of justice has been recently polluted in its source, by the appointing to the high office of judge for the district of Montreal" a man who was a violent and decided "partisan of the administration of the Earl of Dalhousie, and the declared enemy of the laws which he is bound to administer."

The appointment, above alluded to, is evidently that of Mr. Gale, to be puisne judge for the district of Montreal; and the charge of the Assembly, that "he is the declared enemy of the laws he is bound to administer," is one of so great importance, considering the high judicial situation of the accused party, that it may be presumed the Assembly will follow it up by a more formal proceeding directed against Mr. Gale individually; in which case, an opportunity will be afforded him of defending his own character.

I will therefore only remark, with reference to the appointment of Mr. Gale, that he is indebted for it to his own character for integrity and professional knowledge, and to the recommendation of a gentleman holding one of the highest judicial appointments in the province, and who himself is universally respected.

For the rest, the political opinions entertained by Mr. Gale, whatever those may be, have never been brought under my notice, in the course of my administration, by any act or proceeding of his; and it did not appear to me to be either necessary or proper, when the question of appointing him to a seat on the bench was under my consideration, to refer to political controversies long past, and upon the merits of which a great diversity of opinion prevails in the province.

I come next to the complaint of the Assembly, in relation to my refusal to comply with the desire expressed by the town-council of Montreal, during the past summer, to extend the quarantine regulations to that city, and to advance funds from the public chest in aid of indigent emigrants. A reference to facts will in this, as in the former case, furnish the most conclusive answer to the complaints of the House of Assembly; but, before I proceed, it is necessary to apprise your Lordship that the town-council of Montreal enters very warmly into the general

politics of the province, and that on that subject it sympathizes with the House of Assembly, of which it may be said to be a branch.

In the month of July last, the mayor of Montreal addressed a letter to my civil secretary, and transmitted with it a set of resolutions adopted at an extraordinary meeting of the town-council, recommending that application should be made to me to extend to the city of Montreal the quarantine regulations which were then in force at Grosse Isle, the quarantine station 30 miles below Quebec; and also for pecuniary aid from the public funds for the relief of indigent emigrants. Being at that moment absent from Quebec, the above-mentioned communication from the mayor and town-council of Montreal was forwarded to me at Sorel; and an answer was returned, of which I have the honour of transmitting a copy (Enclosure, No. 4), and to which I take leave to solicit your Lordship's particular attention, the House of Assembly having described it as being "marked by coldness and insult."

The restrictions necessarily imposed upon vessels arriving at Grosse Isle, in giving effect to the quarantine regulations established in the province, have been found productive of great, although unavoidable, hardship, inconvenience and loss to individuals, and to the mercantile body, and complaints upon that subject have even reached the Colonial-office; to add therefore to those evils, by subjecting individuals to further restrictions, after having undergone the necessary detention and examination for the prevention of the introduction of disease into the province, required by the regulations of the quarantine station, was if possible to be avoided. The repetition of those restrictions, therefore, was discouraged by me, when suggested by the town-council of Montreal. There is, moreover, another consideration which does not appear to have been contemplated by them. The city of Montreal is distant 180 miles from Quebec inland; and steam-vessels (the usual conveyance in the summer season for travellers from Quebec to Montreal) make two stoppages on the route, one at Three Rivers, and the other at Sorel; so that if it were deemed necessary to extend the quarantine regulations to Montreal, as suggested by the town-council, it would have been equally necessary to extend these regulations, first to Three Rivers, and then to Sorel. In this manner, therefore, persons arriving from beyond sea would be subjected to all the restrictions of quarantine at four distinct stations in successions; namely, at Grosse Isle, at Three Rivers, at Sorel, and finally at Montreal.

The application for the issue of funds from the public chest in aid of indigent emigrants must have been made by the town-council of Montreal with the full knowledge of my ineffectual attempts to induce the House of Assembly to make the necessary appropriation for the relief of that class of emigrants, upon which subject I shall have occasion to add a few words presently.

I cannot refrain from remarking that these complaints, in relation to the extension of the quarantine station to Montreal, and the issue of public money in aid of indigent emigrants, come with a very ill grace from the House of Assembly, and under all the circumstances of the case.

During the session of the last year, I sent down a message to the House of Assembly, to the following effect:

"With reference to the measures adopted by the Executive Government, for giving effect to the provisions of the Quarantine Act of the year 1795, as communicated to the House of Assembly during the present session, the Governor-in-chief now recommends to the House to take into their consideration the expediency of placing at the disposal of the Executive Government, to be made use of according to circumstances, a sum adequate to defray the expenses of the necessary improvements in the establishment at Grosse Isle, and to provide for its current expenses during the ensuing season, in the event of its being deemed necessary again to resort to the provisions of the before-mentioned Act."

The above-recited message remained unnoticed on the table of the House of Assembly, and the session terminated without any provision whatever having been made by the Assembly for giving effect to the quarantine establishment.

It was under these circumstances, and when a petition was before the House of Commons, on the part of the House of Assembly, demanding that articles of impeachment should be preferred against me by that Honourable House before the House of Lords, founded upon various accusations, amongst which were enumerated

(alleged)

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(alleged) illegal advances made by me from the public chest ; it was under these circumstances that, in order to meet the wishes of the province at large, I took upon myself the responsibility of advancing the necessary funds for the re-establishment of the quarantine station at Grosse Isle, amounting to nearly 4,000 £., for which no bill of indemnity has yet been passed, and for which I am therefore still accountable.

The objections which had been raised in the Upper Province, and by a portion of the mercantile body in Lower Canada, to the tax upon emigrants, together with other circumstances, having excited doubts in my mind whether a renewal of the Bill (then on the point of expiring), imposing that tax, would receive the Royal sanction, I decided upon reserving it for the signification of His Majesty's pleasure, in the event of its being brought up to me at the close of the session ; and at the same time being desirous of obtaining some temporary aid for the relief of indigent emigrants, I sent down to the House of Assembly (on the 14th January 1834), a message, which I now transcribe.

"The Governor-in-chief considers it to be necessary to apprise the House of Assembly, with reference to the Act 2 Will. 4, c. 17, intituled, 'An Act to create a Fund for defraying the Expenses of providing Medical Assistance for Sick Emigrants, and of enabling Indigent Persons of that description to proceed to their Destination,' which Act will expire on the 1st day of May next, that it will be his duty to reserve for the signification of His Majesty's pleasure any Act continuing the aforesaid Act, or imposing any tax on emigrants arriving in this colony.

"The Governor-in-chief therefore recommends to the House of Assembly to take into consideration the expediency of making temporary provision from the public funds of the province, in aid of sick and indigent emigrants in the cities of Quebec and Montreal, thereby relieving the inhabitants of those places from the appeals on behalf of such persons, which have heretofore been found to be alike burthensome to their means, and distressing to their feelings."

The message above recited remained, like the preceding one, altogether unnoticed by the House of Assembly, which separated at the end of the session, after having renewed the Emigrant Tax Bill (which, as I intimated to them would be the case, was reserved for the signification of His Majesty's pleasure), but without making any temporary provision for the relief of indigent emigrants, as recommended in my message.

As I have observed above, the town-council of Montreal must have been aware of the fact of my having communicated such a message to the House of Assembly, and of the fate of it, when they applied to me to issue money from the public funds ; and they must likewise have been aware (for two of their body, Members of the House of Assembly, were parties to the measure,) that the Assembly had demanded my impeachment upon certain accusations, amongst which was one charging me with having taken money from the public chest without legal authority.

But, my Lord, had I yielded to the wishes of the town-council in the instance in question, I should have been assailed from all quarters for advances from the public chest for the establishment of hospitals in various parts of the country ; and considering that every circumstance in the present state of this province is laid hold of, and converted to party purposes, a refusal in any one instance would have been made the subject of loud and bitter complaints against the Local Government. I felt, moreover, that the application of the town-council of Montreal was not such as to justify an exception being made to the rule I had laid down for my own guidance in regard to the issue of public money, because subscriptions had been raised there, as well as at Quebec, for the relief of indigent emigrants.

There is only one point remaining to be noticed in the petition of the House of Assembly, which immediately bears upon the local administration ; it relates to "the payment of the public servants without (as the Assembly allege) the sanction or cognizance of the only body authorized to give such sanction."

I can only state, in answer to that assertion, that the payments made to the public servants, since the failure of the Supply Bill in the year 1833, have all been made, according to the instructions of the Secretary of State, out of the casual and

territorial revenue (which belongs to the Crown), and out of the revenues distinctly appropriated and placed at the disposal of the Crown, towards the support of the civil government and the administration of justice, by the following Acts of the Provincial Legislature, namely, the 35 Geo. 3, c. 9, and 41 Geo. 3, c. 13 and 14.

It may be, although not distinctly stated in their petition, that the Assembly likewise complain of the payments recently made to the public officers on account of the arrears of salaries, and contingent allowances due to them, out of the military chest, equal to 31,000 *l.* sterling. That payment, in like manner, was made in pursuance of the instructions of the Secretary of State for the Colonial Department; and I have only to remark in relation to it, that although the subject was distinctly brought before the House of Assembly, at the opening of the session which has just terminated, and although almost immediately afterwards they were urged (in my message of the 3d instant) to make provision for the re-payment of that sum, the Assembly have separated without even having taken my message into consideration.

The petition of the House of Assembly embraces several other points, which (as I have already observed at the commencement of this despatch) I have left untouched, as not being exclusively directed against my own administration.

I have likewise abstained from noticing the terms used by the Assembly in describing my public acts, and the feelings imputed to me, confident as I am that the general tenor and language of that body regarding myself will not fail to be appreciated by your Lordship as it deserves.

I have, &c.
(signed) *Aylmer.*

Enclosure 1, in No. 2.

TO the KING'S Most Excellent MAJESTY.

May it please Your Majesty,

WE, Your Majesty's faithful and loyal subjects, the Commons of the province of Lower Canada, in provincial Parliament assembled, most respectfully approach Your Majesty to expose:

That, during the last session of the Imperial Parliament, the Commons of the province of Lower Canada, in the name of the people whom they represent, approached Your Majesty by petition, dated from Quebec, on the 1st day of March 1834, setting forth the grievances which the people of the said province suffered, arising out of the vicious principles upon which their political institutions are based, aggravated by a series of arbitrary administrations to which the province has been subjected.

That the inquiry which was instituted before a Select Committee, appointed by the Honourable the House of Commons, upon Canada Affairs, on the 15th of April 1834, induced the people of Lower Canada to hope that not only would the prayer of their petition be listened to, but that the grievances therein set forth, which your petitioners have reason to believe were fully supported, would be immediately redressed.

That this hope, which your petitioners cannot deem unreasonable, was still further strengthened by the retirement of Your Majesty's late Secretary of State for the Colonies, the Right Honourable E. G. Stanley, and the subsequent appointment of the Right Honourable T. Spring Rice; the more especially after the repeated declarations of the Right Honourable the Secretary of State for the Colonies, that Your Majesty's Government was actuated by the strongest desire to render justice to the people of the province, by removing the various abuses under which they suffer, and affording to them security against the recurrence thereof.

That your petitioners, however, regret to state, that not only does the said petition of the Commons of Lower Canada to Your Majesty seem to have been totally neglected, but that new abuses have been inflicted upon the people of this province, which if not speedily removed, will tend to increase to an alarming degree, the discontents which have so long prevailed,

prevailed, and will ultimately alienate the affections of the people, even from the Government of England itself.

That among the additional grievances of which the people of this province have to complain, your petitioners would invite the attention of Your Majesty to the fact, that his Excellency, Matthew Lord Aymer, is still continued in the Government of this province, after having been formally accused in the aforesaid petition, of "illegal, unjust and unconstitutional conduct," and after having borne himself towards the representatives of the people of Lower Canada in a manner insulting to a body, intrusted with legislative functions and destructive of the respect which should be due to Your Majesty's representative.

That the acts of the Governor-in-chief, of which the people of this province have still to complain, were for the most part enumerated in the aforesaid petition to Your Majesty; that since that time, the vindictive and bitter feelings, together with the arbitrary and unbecoming conduct which his Excellency has displayed towards the people of this province, have created an universal feeling of discontent towards his Excellency's administration.

That among the just subjects of complaint against the present administration of this province, the system which is exhibited in the distribution of offices, necessarily holds a conspicuous place, that the chief recommendation to office continues to be a display of marked and bitter animosity towards the majority of the people of this province; that it is seldom men of French Canadian origin find their way into office under any circumstances; but when they are appointed, it is not until they have alienated themselves from the sympathies of the people, and allied themselves with the factious minority opposed to the wishes and interests of the country; and that even the sacred character of justice has been recently polluted in its source by the appointing to the high office of judge of the King's Bench for the district of Montreal, a man who was a violent and decided partisan of the administration of the Earl of Dalhousie, and the declared enemy of the laws which he is sworn to administer; and also by the appointment of a great number of commissioners for the trial of small causes, in different parts of the country, intentionally selected on the eve of a general election, from among the notorious partisans of the present administration.

That another cause of complaint, which has arisen since the aforesaid petition of the commons of Lower Canada to Your Majesty, is the culpable indifference betrayed by the Governor-in-chief on the subject of the frightful ravages committed by the Asiatic cholera during the last summer; that a few days after the existence of the dreadful scourge in the city of Montreal was ascertained, the corporation of the said city, in accordance with its strict line of duty, passed a series of resolutions authorizing an application to the Governor-in-chief for an extension of the quarantine regulations to the port of Montreal, and for an aid for the purpose of forwarding the destitute emigrants to their destination; that the answer of the Governor was more than a bare refusal; it was marked by coldness and insult; that your petitioners are firmly of opinion that the virulence which the disease subsequently assumed in the said city of Montreal would have been considerably mitigated had the head of the administration complied with the prayer of the corporation; and that the people of the country generally, and more especially the surviving relatives of the 1,300 victims who died in Montreal, and of the thousands in the province who have fallen victims to the disease, look upon the conduct of his Excellency as one of the principal causes of their suffering and bereavement.

That since the aforesaid petition of the Commons of Lower Canada, Your Majesty's Government, in opposition to the prayer of the said petition, as well as to the numerous representations on that subject submitted to Your Majesty by the House of Assembly, and by several of its authorized agents, has sanctioned the sale of lands belonging to this province to several individuals using the title of the "British North American Land Company;" and your petitioners also have reason for believing that Your Majesty's Government have likewise sold to the individuals aforesaid extensive tracts of land belonging to this province, and thereby have taxed this colony, contrary to the most important and indisputable of the birth-rights of British subjects, which were more particularly acknowledged and confirmed to colonies with local legislatures by the faith and honour of the British Parliament, pledged by the declaratory Act of 1778; the violation of which principle, recognized in said Act, led to the rightful and successful resistance of the former British colonies, and dismemberment of the British empire: That your petitioners, viewing with alarm such an encroachment upon their political privileges, would fain believe that it has been made without considering their constitutional rights, and the provisions of said declaratory Act; that your petitioners, nevertheless, solemnly protest against this violation of the most sacred rights of the people of Lower Canada, and pray Your Majesty to recommend to your Parliament the immediate repeal of the Act passed in favour of the said Land Company; that your petitioners have reason to believe that the said tax is now being paid into the colonial chest of this province for the disposal of the Executive, without the sanction, and in defiance of the expressed will of the Commons of Lower Canada; that your petitioners anticipate with fear, as a consequence thereof, a frightful increase of corruption in this province; that in addition to the fears

generated by this unconstitutional taxation, and the equally unconstitutional application of the said tax, your petitioners foresee, as arising out of the peculiar powers conferred on the company in question, the destruction of the political independence of the people who may unfortunately become subject to its control, and who will be rendered basely subservient to the said company.

That the continued dilapidations of the revenues of the province, in direct violation of the constitution, are another source of alarm to Your Majesty's Canadian subjects; that after the abandonment of the late Colonial Secretary's project to seize upon the said revenues by suspending an Act which did no more than confirm to the Commons of Lower Canada a right previously recognized, without conferring any new privileges, Your Majesty's Canadian subjects did not expect to be so soon called upon to resist similar unconstitutional encroachments and dilapidations, yet very recently the indisputable privileges of the Assembly have been again violated by the payment of the public servants, without the sanction or cognizance of the only body authorized to give such sanction.

That the people of the Old Colonies, now the United States of North America, however much they were aggrieved by attempts at unconstitutional taxation, had much less to complain of, on the score of executive usurpation, than the people of this province; the Assembly having repeatedly declared its fixed determination not to sanction that which it must ever consider a tyrannical violation of its rights, and which the people of this province regard as a virtual dissolution of the constitution, and for the consequences of which your petitioners cannot answer.

That under these circumstances, your petitioners claim for Your Majesty's Canadian subjects Your Majesty's protection against these and similar acts of pillage; that Your Majesty may, and ought at once to ascertain, in order to bring to just punishment, those who authorized so criminal an assumption of power.

That inasmuch as no session of the Provincial Parliament has intervened since the date of the aforesaid petition of the Commons of this province to Your Majesty, your petitioners abstain from alluding at any length to the insuperable differences and the ever-widening breach between the House of Assembly and the Legislative Council of this province, differences springing out of the very constitution of the latter body; nevertheless your petitioners cannot avoid reminding Your Majesty, that the aforesaid petition contained a prayer that the Legislative Council as at present constituted be abolished, and that the people of the province be empowered to elect the second branch of the Legislature in future, as the only means of producing that harmony without which internal peace and good government cannot exist.

That as an evidence that the people at large fully participate in the opinions of the majority of the House of Assembly, your petitioners take leave to refer Your Majesty to the result of the recent elections in the said province of Lower Canada, which avowedly turned upon the approval or the disapproval of the elective principle, and which result is almost unanimously in favour of the said principle.

Wherefore, your petitioners, expressing the sentiments of the majority of the inhabitants of Lower Canada, pray Your Majesty to comply with the prayer of the aforesaid petitions of the Commons of Lower Canada, dated on the 1st day of March 1834, and also with that of the present petition, by removing the abuses and grievances set forth therein, so that full justice be rendered to the House of Assembly, and to the people whom it represents.

And as by inclination, as by duty we are led to do, we shall ever pray for your Majesty's sacred person.

A. Heot.

(signed) : *W. B. Lindsay,*
Clerk of Assembly.

Enclosure 2, in No. 2.

STATEMENT showing the Appointments to Offices of PROFIT or EMOLUMENT made by His Excellency Lord *Aylmer*, from the Commencement of his Administration to the 1st March 1835.

PERSONS APPOINTED.	OFFICE.	ORIGIN.		For what Place, &c. appointed.
		French Origin.	Not of French Origin.	
Louis Baribault - - -	-- assistant examiner of pilots.	1	-- See N.B. at the end.	Montreal.
Hector S. Huot, esq. - -	- secretary to the com- missioners for erecting a marine hospital.	1	-	Quebec.
George G. Holt, gentleman -	- - inspector of pot and pearl ashes.	-	1	Ditto.
Philip H. Moore, esq. - -	registrar - - -	-	1	Freligsburg.
Joseph Fenwick, gentleman -	- - marshal of Vice- Admiralty.	-	1	Quebec.
Louis M. Marchand, and Leon B. Leprohon.	- - clerks of the old and new markets.	2	-	Montreal.
Michael O'Sullivan, esq. - -	- - King's counsel in the law.	-	1	Ditto.
Frederick Aug. Quesnel, esq. -	- - ditto - - -	1	-	
John Sewell, esq. - - -	- - gentleman usher of the black rod, Legis- lative Council.	-	1	
Charles A. Detonnancour, esq. -	coroner - - -	1	-	- - Inferior District of St. Francis.
John Johnson and Pierre Doucet, esqrs.	- commissioners under the Act for ascertain- ing the population.	1	1	County of Gaspé.
François Laroche and Joseph Barnard, esqrs.	- - ditto - - -	2	-	County of Portneuf.
Anthony von Iffland and Richard Burke, esqrs.	- - ditto - - -	-	2	County of Richelieu.
Pierre Gamelin, esq. - - -	- - ditto - - -	1	-	County of Laprairie.
Charles A. Fournant and Her- cule Olivier.	- - ditto - - -	1	1	County of Berthier.
Joseph M. Badeau and Charles Ed. Gagnon.	- - ditto - - -	2	-	County of St. Mau- rice.
John Lewis Ployait, esq. - -	- - ditto - - -	1	-	County of Drummond.
Augustin Delisle - - -	- - ditto - - -	1	-	County of Chambly.
Ed. Desbarats, Charles Drolet, and J. A. Taschereau, esq.	- - ditto - - -	3	-	County of Quebec.
Hyp. St. George Duprès and George Weeks, esq.	- - ditto - - -	1	1	County of Montreal.
John Crawford, esq. - - -	- - ditto - - -	-	1	- - County of Bona- venture.
François Coyteaux and Landré Prevost, esq.	- - ditto - - -	2	-	- - County of Terre- bonne.
Andrew Russel, esq. - - -	- - ditto - - -	-	1	County of Mégantie.
Leon Noel and Damasse Larice, esq.	- - ditto - - -	2	-	County of Lotbinière.
John Baker, esq. - - -	- - ditto - - -	-	1	County of Missisquoi.
William Henry, esq. - - -	- - ditto - - -	-	1	County of Sherbrooke.
Jean Ol. Arcan, esq. - - -	- - ditto - - -	1	-	County of Yamaska.
Pierre Annot, esq. - - -	- - ditto - - -	1	-	County of Veschires.
Pierre J. Mathon and Amiable Rochette, esq.	- - ditto - - -	2	-	County of Champlain.
J. F. Tetu, esq. - - -	- - ditto - - -	1	-	Co. of St. Hyacinthe.
Alexandre Mabbutt, esq., and J. B. Meilleur, esq.	- - ditto - - -	2	-	Co. of L'Assomption.
Augustin Rocher, esq. - - -	- - ditto - - -	1	-	County of Lachenaie.
Baptiste Bomeville and Pierre Patrie, esq.	- - ditto - - -	2	-	County of Beauce.
Othamer H. Day, esq. - - -	- - ditto - - -	-	1	County of Ottawa.
William Ritchie and Silas H. Dickerson, esq. - - -	- - ditto - - -	-	2	County of Stanstead.
Pierre Lambert and Pierre Para- dis, esq.	- - ditto - - -	2	-	County of Dorchester.
Nazaire Larne, esq. - - -	- - ditto - - -	1	-	County of Orleans.
Louis Ruel and Joseph Gosselin, esq.	- - ditto - - -	2	-	County of Bellichasse.

(continued)

PERSONS APPOINTED.	OFFICE.	ORIGIN.		For what Place, &c. appointed.
		French Origin.	Not of French Origin.	
John Dyde, esq. - - -	- inspector of pot and pearl ashes.	-	1	County of Quebec.
F. H. Goodhue, esq. - -	- registrar - - -	-	1	County of Sherbrooke.
Barth. Tierney, esq. - -	- comptroller of customs	-	1	Port of Coteau Du Lac.
Andrew Armour, esq. - -	- joint King's printer -	-	1	Montreal.
Thomas P. Anderson, esq.	- registrar - - -	-	1	County of Mégantie.
George Thomas Griffin, esq.	- ditto - - -	-	1	County of Ottawa.
Charles Panet, esq. - -	- joint coroner - -	1	-	District of Quebec.
Augustin Keeper, esq. - -	- - secretary to com- missioners.	-	1	Chambly Canal.
P. Panet, esq. - - -	- - King's counsel in the law.	1	-	
Hugues Heney, esq. - -	- - law clerk, House of Assembly.	1	-	
Charles N. Perrault, esq. -	- president physician, Board of Health.	1	-	Quebec.
Joseph Parant, esq. - -	- - ditto - - -	1	-	Ditto.
Joseph Morin, esq. - -	- health commissioner -	-	1	Ditto.
Errol B. Lindsay, esq. - -	- - registrar Trinity House.	-	1	Ditto.
Ditto - - -	- treasurer ditto - -	-	1	Ditto.
John M'Callum - - -	- - inspector of fish and oil.	-	1	Ditto.
Olivier Godbout - - -	- - ditto - - -	1	-	Ditto.
Alexander Morrison - -	- - ditto - - -	-	1	Ditto.
Peter Merekell - - -	- - ditto - - -	1	-	Ditto.
Robert Nelson, esq. - -	- health commissioner -	1	-	Montreal.
J. U. Delisle - - -	- water-bailiff - -	1	-	Ditto.
John Delisle, esq. - - -	- - treasurer of Trinity House.	1	-	Ditto.
Ditto - - -	- registrar - - -	1	-	Ditto.
Edward Armstrong - - -	- harbour-master - -	-	1	Ditto.
William Pardey, esq. - -	- resident physician -	-	1	Ditto.
Pierre Beaubien, esq. - -	- - ditto - - -	1	-	Ditto.
George M. Douglass, esq. -	- - ditto - - -	-	1	Gaspé.
F. X. Perrault and Alexander Scott, esq. - - -	- - joint clerk of the peace.	1	1	District of Quebec.
T. W. Willan, esq. - - -	- clerk of the Crown -	-	1	Ditto.
Hon. Philip Panet, esq. - -	- puisne judge - -	1	-	Ditto.
Thomas William Lloyd, esq. -	- registrar - - -	-	1	County of Mégantie.
Réné Hamel, esq. - - -	- advocate-general -	1	-	- Province of Lower Canada.
Francis J. C. Arnoldi, esq. -	- resident physician -	1	-	Montreal.
J. B. Bacquet, H. S. Knot, and Edward Caron, esqrs. - -	- commissioners under 1 W. 4, c. 51, for sub- division of parishes.	3	-	District of Quebec.
Michael O'Sullivan, P. De Roche- blave, and John Finlay, esq.	- - ditto - - -	1	2	District of Montreal.
Thomas Coffin, P. Vezina, and Hughes Heney, esq. - -	- - ditto - - -	2	1	- - District of Three Rivers.
George Johnston Holt, esq. -	- - inspectors of pot and pearl ashes.	-	1	District of Montreal.
Elzear J. Duchesnay, esq. -	- clerk of the Crown -	1	-	District of Quebec.
J. W. Willan, esq. - - -	- - ditto - - -	-	1	Ditto.
Olivier Valérand - - -	- water-bailiff - -	1	-	Quebec.
Robert Armour, jun. - - -	- - registrar and clerk of Trinity House.	-	1	Montreal.
Ditto - - -	- treasurer of ditto -	-	1	Ditto.
Dominique Mondelet, esq. -	- - King's counsel in the law.	1	-	
P. L. Panet, esq. - - -	- grand voyer - - -	1	-	District of Montreal.
Hugues Heney, esq. - - -	- - ditto - - -	1	-	- - District of Three Rivers.
John Delisle and Alexander M. Delisle, esq. - - -	- - joint clerk of the peace.	2	-	District of Montreal.
Charles R. Ogden, esq. - -	- attorney-general -	-	1	
Charles Fortier, esq. - -	- health officer - -	1	-	Quebec.
Ebenezer Peek, esq. - - -	- - Kings counsel in the law.	-	1	- - Inferior District of St. Francis.
Alexander M. Delisle, esq. -	- clerk of the Crown -	1	-	Montreal.
Michel Barbean, esq. - -	- inspector of weights -	1	-	Ditto.
Michel Barbean, gentleman	- clerk of the hay-market	1	-	Ditto.
Michael O'Sullivan, esq. - -	- solicitor-general -	-	1	
François Fortier, esq. - -	- inspecting physician -	1	-	Grosse Isle.

PERSONS APPOINTED.	OFFICE.	ORIGIN.		For what Places, &c. appointed.
		French Origin.	Not French Origin.	
R. Wyat, gentleman	inspector of beef and pork.	—	1	Montreal.
Robert Hamilton, esq.	comptroller customs	—	1	Ditto.
Paul Joseph Lacroix, esq.	commissioner for the subdivision of parishes.	1	—	District of Quebec.
Martin Shefford, esq.	sheriff	—	1	Ditto of Gaspé.
James J. Taylor, esq.	registrar	—	1	County of Ottawa.
David Chisholm, esq.	coroner	—	1	Dis. of Three Rivers.
William Dalton, esq.	inspector of scows	—	1	Chateauquay.
George M. Muir, esq.	registrar	—	1	County of Mégantie.
Francis M. Lepailleur	measurer of scows	1	—	Chateauquay.
Robert Hoyle, esq.	collector of customs	—	1	Stanstead.
George Proud	inspector of flour	—	1	Montreal.
Buckley Rowley	ditto of beef	—	1	Ditto.
Charles Deguise, esq.	commissioner for the sub-division of parishes.	1	—	District of Quebec.
John Davidson, esq.	clerk of the Crown in Chancery.	—	1	Ditto.
German Savard	inspector of fish and oil.	1	—	Quebec.
François Grenier	ditto ditto	1	—	Ditto.
Samuel Gale, esq.	puisne judge, Court of King's-bench.	—	1	Montreal.
Edward Desbarats, esq.	clerk of the Court of Appeals.	1	—	
John Thompson, esq.	commissioner for the collection of tolls.	—	1	At Chaudière bridge.
William K. Rayside, esq.	assistant harbour-master.	—	1	Quebec.
Barth. Simon dit Lafleur	water-bailiff	1	—	Ditto.
Theodore Davis, esq.	registrar	—	1	County of Two Mountains.
John Meyer, esq.	ditto	—	1	County of Mégantie.
Thomas Amiot, esq.	clerk of the Crown in Chancery.	1	—	
John Wilkie, esq.	clerk of the peac, &c.	—	1	Inferior District of Gaspé.
TOTAL		80	62	142

STATEMENT showing the Number and Origin of Persons appointed Commissioners of Small Causes, and the Number and Origin of Persons appointed to all other Offices not of Profit or Emolument, from the commencement of the Administration of his Excellency Lord Aylmer, to the 1st March 1835.

	French Origin.	Not of French Origin.	TOTAL.
Appointments to office not of profit or emolument.	295	285	580
Ditto - commissioners of small causes	151	179	330

N. B.—The majority of commissioners of Small Causes not being of French origin, is accounted for by the fact, that nearly one-third of these appointments are for the townships, where persons of French origin do not reside, and where the French language is not spoken.

Not of French origin includes persons of every other origin who have received appointments, very many of whom are descendants of families settled within the province for several generations, and who are as much identified with the best interests of the province as it is possible for persons of French origin to be. A fact which is alike applicable to every description of appointment, whether of emolument or otherwise.

Enclosure 3, in No. 2.

Monsieur,

Salle du Conseil de Ville Montréal, 12 Juillet 1834.

Les Docteurs Robert Nelson et Guill. J. Vallée, deux des conseillers de ville, et deux des membres du comité sanitaire de Montréal, ayant eu connoissance personnelle qu'il existoit, depuis hier, des cas de choléra Asiatique en cette ville, m'en ont informé aujourd'hui vers midi; en m'engageant à convoquer extraordinairement le conseil, pour aviser aux mesures qu'il conviendrait de prendre dans une circonstance aussi menaçante.

J'ai immédiatement convoqué le conseil de ville, qui a cru devoir siéger à huis clos (à 3 heures P.M.) pour ne point allarmer trop tôt le public par une délibération qui pouvoit avoir cet effet par la nature des informations que Messrs. Nelson et Vallée devoient y donner.

Il paroît donc, par le rapport de ces messieurs (comme par celui que j'ai eu depuis du Dr. P. Beaubien), que du nombre des emigrés, amenés dans ce port par le "Lady of the Lake," il en est décédé un, hier, du choléra Asiatique, au faubourg St. Anne, maison de Joshua Bell; qu'un autre (une femme enceinte) a succombé à la même maladie, ce matin, aux Hangards des emigrés, érigés dans la commune de Montréal; et qu'un troisième individu en est atteint à l'hospital général, ou il a été transporté.

Le conseil de ville a donc cru qu'il ne pouvoit tarder à prendre toutes les mesures de précaution que la foible prudence humaine, l'expérience exercée de la faculté, et les sages prévisions du législateur, pouvoient suggérer et indiquer dans l'intérêt de la santé, et de la vie même de tros concitoyens, comme dans l'intérêt de l'humanité en général, si facile d'adapter et de mettre en pratique ces mesures de précaution, la maladie devoit croître et s'étendre au de là des limites de cette cité, comme elle l'a fait d'une manière si désastreux en 1832.

Vous verrez, monsieur, par la copie ci-incluse des deliberations due conseil de ville, les résolutions qu'il a prises aujourd'hui dans le but ci-dessus. Je vous les adresse de la part du conseil, pour que vous les soumettiez de suite à son Excellence le Gouverneur-en-Chef, en le priant de vouloir bien prêter une oreille favorable aux urgentes sollicitations qui lui sont personnellement faites par quelques unes de ces resolutions, dont l'exécution est dans les attributs du chef de l'administration et nom du conseil de ville.

J'ai l'honneur d'être, Monsieur, &c.

Lieut. Col. Craig,
Sec. Civil. &c. &c., Quebec.

(signé) J. Viger, Maire de Montréal.

Séance du Conseil de Ville Montréal, Samedi, 12 Juillet 1834.

Présents:—M. Le Maire, Dr. Chs. A. Lusignan, Purton Penn, Dr. Guill. J. Vallée, M. Pierre Dufresne, John Danegaire, Augustin Tullock, Julien Perrault, Nahum Hall, Antoine Voyer, Dr. Robert Nelson, Chs. S. Bodier.

M. le Maire a informé le conseil qu'il l'a convoque extraordinairement ce jourd'hui, en conséquence de la communication que lui auraient faites, vers midi, Mess. les Drs. Robert Nelson et Vallée (deux des membres de ce conseil) qu'il existait du choléra Asiatique, depuis hier, dans Montréal, et que même une des personnes atteintes de cette maladie y avait succombé ce matin.

Sur motion du Dr. Vallée, secondé par M. Tullock :

Resolu, Qu'il soit fait application immédiate à son Excellence le Gouverneur-en-chef, pour le prier d'étendre, sous le plus court delai possible, à la ville de Montréal, les avantages de l'Acte de la 35 Geo. 3, c. 5, ou de la quarantaine; en autant qu'il existe depuis hier, dans cette ville, plusieurs cas de choléra Asiatique, et qu'à la connoissance personnelle du moteur, une des personnes atteintes de cette maladie y a succombé ce jourd'hui.

Sur motion de M. Perrault, secondée par M. Tullock :

Resolu, Que les hangards et l'ambulance, élevés dans la commune de cette ville, pour l'usage des emigrés et des cholériques, et maintenant en la possession temporaire de la société des emigrés, soient de ce jour mis sous la surveillance d'un comité de cinq des membres du conseil de ville, pour, par le dit comité, faire servir les dits bâtiments à telles fins, qu'il lui semblera les plus propres à conserver la santé publique.

Resolu, Que Messrs. Perrault, Nelson, Vallée, Lusignan et Penn composent le dit comité.

On motion of Dr. Nelson, seconded by Dr. Vallée :

Resolved, That Drs. P. Beabien and Monro, jun. be requested to take charge, under the direction of the above committee, of the cholera sick at the sheds, on the common, until further provisions be made, either by his Excellency the Governor-in-chief or by the common council.

On motion by Mr. Penn, seconded by Dr. Lusignan :

Resolved, That a representation be made to his Excellency the Governor-in-chief, stating that there are at present in Montreal a great number of indigent emigrants, without the means of proceeding to the Upper Province, many of whom are suffering from illness, and that there are no public funds appropriated for their relief; that the health of this city is endangered

TO THE RIGHT HONOURABLE THE EARL OF ABERDEEN. 49

endangered from this cause; and praying that his Excellency may grant such relief as the urgency of the case requires.

On motion of Mr. Hall, seconded by Mr. Voyer :

Resolved, That the common councilmen of each ward be instructed to visit every house and premises in their respective wards, and to report to the mayor all such infractions of the police regulations, prejudicial to the public health, as may fall under their observations, to the end that proper measures may be immediately adopted for the protection of the health of the citizens.

Sur motion du Maire, secondée par M. Danegaire :

Résolu, Que le comité des chemins prenne sans délai les moyens les plus efficaces, d'assainir les parties basses et malsaines de la cité, et ce, tant par l'ouverture de fossés, ou la construction de canaux souterrains, propres à faciliter l'écoulement des eaux stagnantes, &c., que par tels autres travaux que le comité jugera plus convenables et moins coûteux selon la nature des lieux à améliorer.

Pour vrai extrait des procédés du conseil de ville.

(signé)

P. Anger, Sec. Cr.

Enclosure 4, in No. 2.

Sir,

Sorel, 16th July 1834.

YOUR letter, dated Montreal, July 12th, addressed to Lieutenant-colonel Craig, civil secretary, together with the minutes which accompanied it of the proceedings of the town council of the city of Montreal of the same date, relating to the public health of that city, having been transmitted to the Governor-in-chief at this place, his Excellency has directed me to signify to you in answer, that although always disposed to promote any measure having for its object the preservation of the public health of the inhabitants of Montreal, his Excellency apprehends that it is not in his power to give effect to the suggestions of the town council in the present instance. With reference to the first resolution of the town council, at their meeting on the 12th instant, his Excellency has to observe, that the Act therein alluded to (35 Geo. 3, c. 5,) is now, and has been ever since the opening of the navigation, in full operation; and under its provisions, and the proclamation founded upon them of the 17th April last, all vessels arriving in the province from sea, are subject to the strictest examination, and every possible precaution is used at the quarantine station at Grosse Isle to prevent the introduction of disease; and as a further security, measures have been taken at Quebec for the medical examination of the passengers of vessels which may accidentally have passed Grosse Isle without conforming to the regulations established there. Nothing therefore remains to be done, in so far as regards the operation of the Act in question, upon vessels coming by sea from other countries.

Nevertheless, should it be deemed advisable by the town council of Montreal, as a local measure of precaution, to cause the state of health of passengers arriving in steam-boats or other vessels to be examined previously to their obtaining permission to land, the Governor-in-chief apprehends that that object may be accomplished by means of municipal regulations. But this, as well as other measures of precaution purely local, must be left to the wisdom of the town council, in conformity with the powers with which they are invested by law.

With reference to the fourth resolution of the town council, his Excellency directs me to observe, that he can readily believe in the truth of one fact therein mentioned, namely, that there are at present in Montreal a great number of indigent emigrants without the means of proceeding to the Upper Province; that such would prove to be the case during the present season of navigation, the experience of past years could leave no room to doubt; and were this subject now brought under the notice of the Governor-in-chief for the first time, he would in all probability be induced to incur the responsibility of providing for their passage to the Upper Province out of the public funds. Circumstances, however, into which it is unnecessary to enter on the present occasion, render such a step on the part of the Governor-in-chief highly inexpedient; and his Excellency has only to observe, with reference to the application for the relief of those indigent emigrants, contained in the fourth resolution of the town council, that there are no public funds appropriated for that object.

I have, &c.

To the Mayor of Montreal.

(signed)

Howel Poynter, Lt & A. D. C.

LORD AYLMER.

COPIES of Lord *Aylmer's* DESPATCHES on 5th March 1834, addressed to the Right Honourable *Edward Stanley*, and of the 18th March 1835, addressed to the Earl of *Aberdeen*.

(*Lord Viscount Ebrington.*)

Ordered, by The House of Commons, to be Printed,
30 June 1836.

[*Price 6d.*]

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 26 April 1836;—for,

COPY of an ADDRESS of the HOUSE of ASSEMBLY of *Upper Canada*, in Committee of the whole House, on the 11th of February 1836, to HIS MAJESTY, respecting the COMMERCE and TRADE of that Province; also Copies of the several RESOLUTIONS respecting COMMERCE and TRADE agreed to by the same Committee on the same day.

Colonial Department, }
29 June 1836.

G. GREY.

[This Paper contains the Address of the House of Assembly of Upper Canada, 11 February 1836; but the Resolutions respecting Trade and Commerce have not yet been received from the Lieutenant-Governor.]

ADDRESS OF THE HOUSE OF ASSEMBLY OF UPPER CANADA.

TO THE KING'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to submit to Your Majesty, that the depressed State of Agriculture in this Province is in a great measure to be attributed to those laws, ordinances and instructions, for the regulation of trade, by means of which the industry of the Province is held in subservience to the interest of the commerce and shipping of the United Kingdom; and from Your Majesty's paternal care and enlightened views we entertain a reasonable expectation, that a more liberal policy, suitable to the wants and more permanent interests of the Colonists, will be henceforth pursued, and their foreign trade encouraged and promoted, as being eminently conducive to the prosperity of the Province.

We further humbly submit to Your Majesty, that we have always shown great willingness to consume the goods and merchandise of the United Kingdom and its Colonies, according to our means of payment; but that if the restrictions which embarrass our commerce were removed, and we permitted to direct the labour of our hands to the industry of our choice, to employ the cheapest and most convenient means of transport, and to carry the products of that industry to those markets in which they could be disposed of to the best advantage, our means of purchasing British goods would be thereby increased, and our capital and labour employed beneficially in diffusing wealth and enjoyment through the Colony.

Situated as Upper Canada is, at a great distance from the sea, the communication with which, by the St. Lawrence, is interrupted for a great part of the year, our interests would be best promoted by the adoption of such commercial regulations as would enable our agriculturists, merchants and manufacturers, to obtain free access to the ocean through every channel by means of which they could safely convey those articles of which this Province possesses a superfluity, to the best markets, and through which they might bring back, of the goods and merchandise of other lands, according to their means, without such imports being subjected to the present heavy tariff of discriminating duties; the operation of which is, to add materially to the many natural obstructions incidental to our inland situation, and to retard the settlement of the waste lands of the Province by the more wealthy, intelligent and persevering class of emigrants, who are induced to settle and invest their capital in the States of Ohio, Michigan, Pennsylvania, and New York; the citizens of which have at all times the free choice of three markets, namely, the St. Lawrence, Foreign States through their own seaboard, and the markets of the Southern States; while we of Upper Canada are restricted to the channel of the St. Lawrence only.

We humbly request that Your Majesty will be pleased to cause such representations to be made to the Government at Washington, as shall appear to be best calculated to induce Congress to admit the goods and merchandise of Great Britain or other nations to pass through the United States into Upper Canada, subject only to the duties which are or may be payable within this Province, and without being liable to the payment of any tax or impost in or to the said States; and also to permit the goods, wares and merchandise of this Province, to be transported through the said States to other countries beyond the seas, free of duty, and subject only to such regulations as may be found necessary for the prevention of infractions of the revenue laws of the American Union.

We also humbly submit to Your Majesty, that lumber is admitted duty free into this Province from the United States, the Government of which States exacts very heavy duties on the lumber we export thither; and that the exaction of these duties gives cause of complaint to all who are largely engaged in carrying lumber from the Western Settlements of this Province to the said States; and we trust that Your Majesty's Government will enter into such negotiations as may have a tendency to place this important branch of Canadian industry, on a footing of perfect reciprocity in the markets of the neighbouring Republic.

Although the prices of wheat and flour, two of our staple commodities, are frequently higher in the United States than in this Province, we are prevented from obtaining the full advantage of the increase of demand consequent on such prices; our wheat being subject to a duty in the United States' Ports of about 1*s.* 2*d.* currency on every bushel imported, with a proportional tax on Canadian flour; while, to the people of the said States, our markets for their wheat and flour are always open, duty free, by which regulation they are at all times enabled to avail themselves of such favourable changes as may happen in the markets of Canada.

We humbly request that Your Majesty would cause such representations to be made to the Government of the United States as might have a tendency to place this interesting branch of Canadian commerce on a footing of reciprocity in the two countries, which principle of reciprocity, if it were extended generally to other descriptions of goods, admitted duty free, into the Canadas, under late Colonial Trade Acts, would confer many additional benefits on this Province.

And we also humbly request, that, in consideration of the great and increasing consumption of the merchandise of the United Kingdom in Upper Canada, Your Majesty would be pleased to recommend to Your Parliament to admit the flour, meal, grain, beef, pork, and other staple products of this Province, into the ports of the United Kingdom, on the terms at which the staple agricultural products of the Northern and Eastern States of the American Union are, by a late British Act, authorised to be admitted into Canada, or subject to as reasonable rates of impost as are now levied at the Ports of Montreal and Quebec, on the staple products and manufactures of the United Kingdom, when imported direct from Great Britain and Ireland by sea.

We would humbly represent to Your Majesty, that the entire abolition of the several duties now levied in our ports upon articles of the growth and manufacture of other countries, which come not into competition with the industry of this Province, would have a tendency to increase and diffuse capital here, besides affording a protection to labour by enabling the labourer to live cheaper, and the farmer and manufacturer to compete more successfully with the skill and industry of other countries.

The article of tea, which is consumed in great quantities in this Province, is taxed at Quebec, and prohibited on our frontier, but admitted, free of duty, into the United States, to which it is brought direct from the place of its growth. The free importation of tea into Canada would interfere with no article of domestic manufacture either in Great Britain or her Colonies: although tea is prohibited from being imported hither from the United States, where it is obtained much cheaper than we now obtain it in Montreal and Quebec. The opinion prevails, that it is extensively smuggled from the United States; and it is well known that the seizures made by the officers of the customs sometimes prove ruinous to those persons who are tempted to engage in the traffic; hence the complaint is preferred with very great reason, that laws are enacted in England, where we are not represented in Parliament, prohibiting the people of this Province from purchasing the commodities they require at the best and cheapest markets, and compelling them, if they purchase at all, to uphold
a grievous

a grievous monopoly, by buying at the dearest market both to the merchant and the consumer, although in preventing the Canadians from purchasing tea in the United States, the Government cannot urge the usual specious plea, that it does so to encourage some domestic production either of England or her Colonies.

We are of opinion that the following articles, when imported from Great Britain, or from any other country, into Lower Canada, or into this Province from the United States, should be imported free from all duties; namely, teas of all kinds, coffee, cotton yarn, and all cotton manufactures, bur blocks, bolting cloths and screens, books and papers of all kinds, printers' presses, types and ink, molasses, tin in plates and block tin.

Our close neighbourhood, for many hundreds of miles, to parts of the States of New York, Pennsylvania, Ohio and Michigan, renders it a matter of difficulty for the trader who will not smuggle, to compete with him who will, in all those articles which can be purchased cheapest in the markets of those States, on which a duty is now levied sufficiently high to cover the expense and risk of smuggling them across the lines.

We are of opinion that it would be expedient to repeal the laws imposing 7*l.* 10*s.*, 15*l.*, 20*l.*, and, in some cases, 30*l.* of customs' duties, on every 100*l.* value, of many articles of goods, which are of the first necessity to an agricultural community, when imported into Lower Canada by sea from countries not under the dominion of Great Britain, or from the United States into this Province by land, or other conveyance; while in some instances no duty, and in most cases a duty of only 2*l.* 10*s.* on every 100*l.* value, is exacted on the same descriptions of goods and merchandise if imported from Great Britain or her Colonies, by way of Quebec and Montreal; and that in lieu of the said discriminating duties or other regulations, only 2*l.* 10*s.* on every 100*l.* value, should be levied on such goods, whether they be imported by sea from parts abroad, or by land, river or lake conveyance, from the said United States; so that a fair competition may be allowed in our markets to other nations, and our limited capital and population employed to the best advantage.

And, that it is expedient to repeal the statutes under authority of which train oil and oil of all sorts, fish, dried or salted, and books, which are prohibited to be imported into the United Kingdom, are prohibited to be imported into this Province from the United States or other foreign countries; and to allow the people of this Province to buy oils, books and fish, in whatever market such articles are sold cheapest.

And we would further humbly represent to Your Majesty, that in case the revenue that would accrue to the Province from the customs, duties and other sources, under the changes contemplated in this Address, should fall short of the sum necessary to carry on the Government, and defray the interest of the public debt, we have already contracted, the difference might be raised by a judicious apportionment of taxation, by the Legislature of this Province, on those imported articles which are generally regarded as luxuries, or which come directly into competition with the staple productions of the Colony; and that where, by giving a temporary encouragement, by means of moderate duties, to certain species of domestic industry a reasonable expectation might be entertained that the articles so encouraged would soon be able to compete on equal terms with the products of the skill and labour of other countries, so that the tariff would no longer operate as a tax, we would not be unwilling to impose such duties; and we feel it incumbent on us further to represent to Your Majesty, that as the timber trade of the Canadas has been for many years encouraged and fostered by the commercial regulations adopted in England; and as a large capital is now vested therein, any Act of the Imperial Parliament by which the present scale of duties levied on foreign timber might be reduced, would be attended with very injurious consequences to many inhabitants of this Province engaged in that important branch of our commerce.

(signed) MARSHALL S. BIDWELL, Speaker.

Commons, House of Assembly, }
16th day of February 1836. }

UPPER CANADA.

COPY of an ADDRESS of the HOUSE of ASSEMBLY
of *Upper Canada* to HIS MAJESTY, respecting the
COMMERCE and TRADE of that Province, &c.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
30 June 1836.

LOWER CANADA. ---

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 24 February 1836;—for,

COPIES of all CORRESPONDENCE that has taken place between the
SECRETARY OF STATE for the COLONIES and the GOVERNORS of *Canada* and
Mr. *W. B. Felton*, relative to Lands Granted to the said *W. B. Felton*.

(*Mr. Roebuck.*)

Colonial Department, }
29 February 1836. }

G. GREY.

Ordered, by The House of Commons, to be Printed,
4 March 1836.

S C H E D U L E.

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- 1.—Copy of a Letter from Mr. Felton to the Earl Bathurst, dated London, 12 November 1814 p. 3
 - 2.—Ditto - - - ditto - - - dated London, 9 December 1814 - - - p. 3
 - 3.—Copy of a Despatch from Earl Bathurst to Lieutenant-General Sir G. Drummond, dated Downing-street, 22 May 1815 - - - p. 4
 - 4.—Copy of a Despatch from Sir G. Drummond to Earl Bathurst, dated Quebec, 15 August 1815 p. 4
 - 5.—Ditto - - - ditto - - - dated Quebec, 22 September 1815 (one Enclosure) - p. 4
 - 6.—Copy of a Despatch from Earl Bathurst to Sir G. Drummond, dated Downing-street, 9 December 1815 - - - p. 5
 - 7.—Copy of a Despatch from Earl Bathurst to Lieutenant-General Sir J. C. Sherbrooke, dated Downing-street, 7 December 1816 (one Enclosure) - - - p. 5
 - 8.—Copy of a Despatch from Lieut.-Gen. Sir H. Sherbrooke to Earl Bathurst, dated Quebec, 6 May 1817 (one Enclosure) - - - p. 6
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 - 11.—Copy of a Despatch from the Earl of Dalhousie to Earl Bathurst, dated Quebec, 10 September 1822 (one Enclosure) - - - p. 8
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 - 14.—Copy of a Despatch from Lieut.-Gen. Sir J. Kempt to the Right Hon. Sir G. Murray, dated Quebec, 5 February 1829 - - - p. 10
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 - (1.)—Extract of Return for the House of Commons, of Lands Granted to Members of the Legislative Council of Lower Canada, to 1st July 1832, containing such parts of that Return as relate to Mr. Felton and his Family - p. 12
 - (2.)—Substance of Despatches from the Secretary of State, authorizing Grants of Land to be made to Mr. Felton and his Family - - - p. 12
 - 17.—Copy of a Despatch from Lord Aylmer to Mr. Secretary Stanley, dated Quebec, 3 July 1834. (10 Enclosures.) - - - p. 13
 - (1.)—Copy of a Letter from Mr. Felton to the Civil Secretary, dated 1 July 1834, p. 13
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 - (8.)—Statement from Secretary of the Province, of Crown Lands granted to Mr. Felton - - - p. 27
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Statement of Lands Granted to Mr. Felton, agreeably to Return furnished for House of Commons.—(Vide Enclosure (1.) in Despatch of Mr. Secretary Stanley, dated 1 April 1834)
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CORRESPONDENCE between the Secretary of State for the Colonies and the Governors of *Canada*, and Mr. *W. B. Felton*, relative to Lands Granted to the said *W. B. Felton*.

— No. 1. —

COPY of a LETTER from Mr. *Felton* to the Earl *Bathurst*.

My Lord,

London, Spring-gardens, 12 November 1814.

DEVOTED from my infancy to His Majesty's service, I find myself impelled to obtrude my pretensions on your Lordship's notice, in the conviction that my claims will be attended to with the liberality usual to His Majesty's Government; I therefore take the liberty of representing to your Lordship, that after several years of acknowledged meritorious service in the post of naval-agent victualler, I was induced to accept the temporary appointment of consul at Leghorn, in the confident expectation of being confirmed, sacrificing the permanent situation of agent at Gibraltar, with a salary of 600*l.* per annum, and other advantages; but as I find that my Lord Castlereagh's arrangements do not permit me to hope for confirmation, I am obliged to direct my views to other pursuits. Understanding that His Majesty's Government has it in contemplation to give encouragement to persons of respectability and capital disposed to settle in *Canada*, I offer to proceed immediately with my family, and in company with the families of three other gentlemen named below, to establish ourselves on the land allotted to us, engaging to take with us a number of families of hemp-growers from the north of Italy, and some families from England, and to employ on the land a capital exceeding 20,000*l.*, on condition of receiving for myself and family, in consideration of my services and my present engagements, a grant of 5,000 acres of the waste lands in the townships of Inverness, Ireland, Wolfstown, Chester or Tingwick, in the province of Lower *Canada*, together with such future addition as the number of settlers we may establish beyond the proportion required for the 5,000 acres may require; the persons undernamed being granted the usual quantity of 1,200 acres each, for themselves and families:

Mr. Charles Whitcher and family;

Mr. John Felton and family;

Mr. Charles Bridgman Felton and family.

Our object being the *bonâ fide* settlement of ourselves and families in the country we have pointed out, we engage that every exertion shall be used to establish settlers of the most valuable description, and in the greatest numbers our capital can command; and it is submitted to your Lordship's consideration, whether the encouragement of conveying such families as may embark in England in transports as far as Quebec, can with propriety be afforded us. I beg to refer your Lordship for any particulars relative to my services, public and private character, to his Excellency Lord William Bentinck; Lord Exmouth; to all the Naval Boards; and, as touching my claims as consul at Leghorn, to the Secretary of State for the Foreign Department.

I have, &c.
(signed) *W. B. Felton*.

No. 1.

Letter from
Mr. Felton to
Earl Bathurst,
12 November 1814.

— No. 2. —

COPY of a LETTER from Mr. *Felton* to the Earl *Bathurst*.

My Lord,

London, 9 December 1814.

IN reference to my application for a grant of land in the province of Lower *Canada*, I beg leave to request your Lordship will be pleased to direct that I may be allowed to rent, on the usual terms, the Crown and Clergy Reserves contained within the allotment marked out for me and my companions; and also that your Lordship will allow another person, proposing to accompany me, a similar quantity of land to that requested for the others: the name of the person in question is William Whitcher.

I have, &c.
(signed) *W. B. Felton*.

No. 2.

Letter from
Mr. Felton to
Earl Bathurst,
9 December 1814.

— No. 3. —

COPY of a DESPATCH from Earl *Bathurst* to Lieut.-Gen. Sir *G. Drummond*.

No. 3.
Despatch from
Earl Bathurst to
Lieut.-Gen.
Sir G. Drummond,
22 May 1815.

Sir,

Downing-street, 22 May 1815.

Mr. W. B. Felton having applied for permission to establish himself and his family on a grant of land in Canada, upon which it is their intention to employ a capital of 20,000 £, I have the Prince Regent's commands to authorize you to make a grant of 4,000 acres to them, in the following proportions; viz., 2,000 acres to Mr. W. B. Felton, 500 acres to Mr. John Felton, 500 acres to Mr. Charles Felton, 500 acres to Mr. William Whitcher, and 500 acres to Mr. Charles Whitcher. And if it shall hereafter appear, that the land so granted shall have been properly settled and brought into a good state of cultivation, and that the grantees possess the means of cultivating a larger tract of land with advantage to the interest of the colony as well as to themselves, I am to desire that suitable extensions of their respective grants may be made, at the discretion of yourself and His Majesty's executive council. It would, of course, be desirable that such future grants should be made contiguous to those which are intended to be made in the first instance.

I have, &c.

(signed) *Bathurst*.

No. 4.
Despatch from
Sir G. Drummond
to Earl Bathurst,
15 August 1815.

— No. 4. —

COPY of a DESPATCH from Sir *Gordon Drummond* to Lord *Bathurst*.

Castle of St. Lewis, Quebec,

15 August 1815.

My Lord,

I HAVE had the honour of receiving your Lordship's despatches of the dates specified in the margin, authorizing me to grant certain quantities of land to Mr. Whitcher, and to Mr. Felton and his associates.

I have now to acquaint your Lordship that these gentlemen have arrived here, and that I shall take the necessary measures for complying with the instructions conveyed to me in your Lordship's despatches.

I am, &c.

(signed) *Gordon Drummond*.

22 May 1815, rela-
tive to Mr. Felton's
land.
13 June 1815, rela-
tive to Mr. Whit-
cher's land.

— No. 5. —

COPY of a DESPATCH from Sir *G. Drummond* to Lord *Bathurst*.

Castle of St. Lewis, Quebec,

22 September 1815.

My Lord,

I HAD recently the honour of addressing your Lordship on the subject of a communication made to me by Mr. Felton, touching the quantity of land which I am authorized by your Lordship to grant to him and his associates, and stating that he had been led to expect a more extensive grant.

Mr. Felton's letter upon that occasion I transmitted to your Lordship, and now forward the copy of one which I have subsequently received from that gentleman, in which he seems to request that a reference may be had to Mr. Hamilton, and to Messrs. Gordon & Amyot respecting the terms on which he and his associates directed their attention to Canada.

I am, &c.

(signed) *Gordon Drummond*.

No. 5.
Despatch from
Sir G. Drummond
to Lord Bathurst,
22 September 1815.

12 September 1815.

Enclosure.

Sir,

Three Rivers, 12 September 1815.

I AM honoured by your letter of the 31st ultimo, which reached me on my return from the townships yesterday, and I take leave to request you will be pleased to express my very grateful acknowledgments for his Excellency's condescension in acceding to my request. I am happy in the opportunity of explaining to you, Sir, the cause of my departure from Europe, ignorant of the variation in the terms on which my enterprize was undertaken; it

is

(Enclosure.)

is simply, that I embarked at Leghorn, with my family, on the 28th of May last, and Mr. Whitcher left London two days after the despatch from the Earl Bathurst was dated, and finally sailed on the 8th of June; Mr. Whitcher had embarked his family and effects previous to the receipt of the despatch, and had, besides, the most perfect assurance of my departure from Italy, which would have taken place on the 1st of May, had not political impediments prevented it, so that I was of necessity ignorant of the error into which Earl Bathurst had fallen. Being persuaded that his Lordship must have forgotten the engagement he had induced me to enter into by his own suggestion communicated to me by Mr. Hamilton, the Under Secretary of State for Foreign Affairs, and that his Lordship has classed me among those applicants for lands who have no official claim for preference, I beg to entreat you will be pleased to suggest to his Excellency, as the most efficacious means of ascertaining the correctness of my statement, and the justice of my claims, that the Earl Bathurst be requested to refer to Mr. Hamilton, who by his Lordship's orders directed my attention to Canada, under the promise of encouragement, and to Messrs. Gordon and Amyot, who conveyed to me his Lordship's assurance of the grant to me and my associates, as detailed in my former letter.

I have, &c.
(signed) H. B. Felton.

No. 5.
Despatch from
Sir G. Drummond
to Lord Bathurst,
22 September 1815.

Enclosure.

— No. 6. —

COPY of a DESPATCH from Earl Bathurst to Sir G. Drummond.

Sir,

Downing-street, 9 December 1815.

I HAVE received your letter of the 22d September last, inclosing one from Mr. Felton, on the subject of the quantity of land you have been authorized to grant to him and his associates, and I am to acquaint you, that as the instructions conveyed to you were drawn up after communication with Mr. Hamilton on the subject, I cannot sanction any further grant of land until that already made shall be so far advanced in cultivation as to authorize such an addition.

I have, &c.
(signed) Bathurst.

No. 6.
Despatch from
Earl Bathurst to
Sir G. Drummond,
9 December 1815.

— No. 7. —

COPY of a DESPATCH from Earl Bathurst to Lieutenant-General Sir J. Sherbrooke.

Sir,

Downing-street, 7th December 1816.

I HAVE the honour to transmit to you the copy of a letter addressed to me by Mr. Whitcher, stating, that the conditions under which Mr. Felton and himself received a grant of land last year have been fulfilled, and requesting that I will in consequence convey to you my sanction to an increased grant, in compliance with the expectation held out to them at that period; I have therefore to desire, that if the land settled by Messrs. Feltons and Whitchers should be in the advanced state of cultivation represented in the enclosed letter, that you will make to them a further allotment of land, as nearly adjoining their present location as circumstances will admit, to the amount of 3,000 acres to Mr. Felton, and 700 acres to each of his associates; and that you will also assign to such of their labourers as may be desirous of becoming settlers on their own account 100 acres each in the same neighbourhood, under the usual conditions of residence and cultivation.

I take this opportunity of calling your attention to that part of Mr. Whitcher's letter which represents the inconvenience sustained by settlers, from the present arrangement of the Crown and Clergy Reserves: I am fully aware of the reasons which have led to the mode of making these reservations, which is now the subject of complaint, and I am not in any degree disposed to question its utility; but I would suggest to your consideration, whether it would not be more for the advantage both of the settlers and of the Clergy or the Crown, if a practice were introduced of letting these reserves to the persons who had the adjoining lots, upon lease for their lives, and a certain number of years after their death, instead of adhering to that now in force, of letting them for specified periods. By giving the lessee of these reserves a life-interest, it appears to me that he would be more anxious to engage in the cultivation, and his exertions would still further be animated by the assurance that his family would, for a limited period after his death, reap the benefit of his labour. It requires, on the other hand, no argument

No. 7.
Despatch from
Earl Bathurst to
Lieut.-Gen.
Sir J. Sherbrooke,
7 December 1816.

No. 7.

Despatch from
Earl Bathurst to
Lieut.-Gen.
Sir J. Sherbrooke,
7 December 1816.

to show, that whatever brings those reserves into cultivation, must be for the ultimate advantage of the Clergy and the Crown; and that whether they be alienated for seven or fourteen years, or for the life of a settler, is a matter of comparative indifference.

It appears, from a map which Mr. Whitcher has produced to me, that some of the lots adjoining those now settled by Messrs. Felton and Whitcher have been granted, since their arrival, to non-residents; and, among others, I observe the name of Captain Loring, of the 104th regiment, who was at the time military secretary to Sir Gordon Drummond. If these gentlemen have correctly stated the extent of their exertions, and the capital employed by them, they have claims far superior to any which can be advanced by a non-resident; and I should gladly countenance an arrangement which could place them in possession of the land most conveniently situated for their purpose. But if it be true that Captain Loring has procured a grant of those lots since the plan of Messrs. Felton and Whitcher was known in the colony, I can have no difficulty in authorizing you to resume those grants, which, as he from his public situation must have known the promises of an extension of grant originally given to Messrs. Felton and Whitcher, he could only have obtained with the view of disposing of them to them, or of defeating the further execution of their project: under either of which circumstances I cannot consider him entitled to any consideration.

I am, &c.
(signed) *Bathurst.*

(Enclosure.)

LETTER from Mr. Charles Whitcher to Earl Bathurst.

15, Arundel-street, Strand,
19 November 1816.

My Lord,

Enclosure.

HAVING returned to this country for the purpose of procuring seeds and such implements of agriculture as we find on a local knowledge of Canada indispensable, I embrace the opportunity of acquainting your Lordship that by an early application of capital, and great personal exertion of Mr. Felton, myself and associates, we have been enabled to fulfil the conditions under which you were pleased to authorize a grant of land in May 1815, and the whole being in tillage for seed the approaching season, I trust the extension promised at that period may now receive your Lordship's sanction.

I take the liberty of making known the extreme difficulties we are under owing to the practice of setting apart the Crown and Clergy Reservations intersecting the lands allotted to settlers, which with the vast extent of waste lands even in the best townships, preclude a possibility of connecting a portion suitable to the management or maintenance of a respectable agriculturist. The consequent expense imposed on the settler by this arrangement of fencing and making general and occupation roads through their uncultivated spaces, occasion much serious interruption in the settlement, in addition to the numerous other difficulties we experience in the prosecution of our extensive schemes, that I venture to hope your Lordship will perceive how greatly it would accommodate and facilitate the accomplishment of our object were these Reserves included in the grant promised us.

And to further the intention of peopling the neighbourhood, I am induced to request that grants of 100 acres may be allowed such of our labourers as are disposed to become actual settlers.

I have, &c.
(signed) *Chs. Whitcher.*

— No. 8. —

COPY of a DESPATCH from Lieut.-Gen. Sir J. C. Sherbrooke to
Earl Bathurst.

My Lord,

Quebec, 6 May 1817,

No. 8.
Despatch from
Lieut.-Gen.
Sir J.C.Sherbrooke,
6 May 1817.

IMMEDIATELY on receiving your Lordship's despatch, of the 7th December 1816, directing that the lands granted to Major Loring and others, in Ascot, to the prejudice of Mr. Felton's establishment, should be resumed, I caused a communication on the subject to be made to Major Loring, who at once declared his readiness to surrender those lands to the Crown, either in exchange for others, or even without an equivalent if he should be required to do so.

He also gave such an explanation of the manner of his obtaining the lands in question as showed that he had no design of advantaging himself to the injury of Mr. Felton; and the enclosed copy of a letter from that gentleman to my secretary will show your Lordship that immediately after the lands were granted a satisfactory arrangement

TO MR. FELTON, IN LOWER CANADA.

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arrangement was made between him and Major Loring for the exchange of them, and that with this arrangement Mr. Felton remains satisfied.

The grant made to Lieut.-Col. Fulton, in the same township, arose from the precedent found in the case of Major Loring, but an intimation has been given to him of the necessity of his surrendering it; and as he is, I understand, at Ghent, your Lordship may perhaps think it advisable to direct a particular communication of your wishes to be made to him.

No. 8.
Despatch from
Lieut.-Gen.
Sir J.C. Sherbrooke,
6 May 1817.

I have, &c.
(signed) J. C. Sherbrooke.

(Enclosure.)

LETTER from Mr. Felton to A. W. Cochran, Esq.

Sir,

Ascot, 21 April 1817.

MAJOR LORING being apprehensive that the representation stated to have been made by Mr. Whitcher to the Earl Bathurst on the subject of a grant made to Major Loring by Sir Gordon Drummond, of part of the lands which my associates and myself had prayed to be reserved to cover the anticipated increase in the quantity to be granted to us, may leave on the mind of his Lordship an impression injurious to Major Loring, and as I am extremely solicitous that in the prosecution of my just rights no injury should accrue to that gentleman, I take the liberty of stating, in confirmation of part of the conversation I had the honour of holding with you on the subject, that Major Loring, on understanding from my brother that his location of these lands, by depriving the associates of the lots reserved for them, greatly interfered with the arrangements for our settlement, voluntarily, and in the most liberal manner, offered to exchange them for others, and an arrangement was afterwards agreed on for that purpose.

Enclosure.

Having thus vindicated the conduct of Major Loring subsequent to his acceptance of the grant in question, I feel it incumbent on me to beg your attention to the consequences of the precedent then furnished, and which entail on me the mortification of obtruding on you to represent the serious injury I am again exposed to by the grant lately made to Colonel Fulton, who has no motive to exchange lands for my accommodation, and whose representative is not furnished with the necessary powers to carry his own liberal intentions into effect.

I have, &c.
(signed) W. B. Felton.

— No. 9. —

COPY of a DESPATCH from Earl Bathurst to Lieut.-Gen.
Sir J. C. Sherbrooke.

Sir,

Downing-street, 10 August 1817.

No. 9.

I HAVE the honour to acknowledge the receipt of your despatch of the 6th May, and to acquaint you that I have caused an intimation to be given to Lieut.-Col. Fulton, that as he is not resident on, or employed in the cultivation of the grant of land which has been made to him in the township of Ascot, that instructions had been given to you to resume it, but that if it were his intention to reside in Canada you would be authorized to make him a similar grant in another unobjectionable situation. I have therefore to desire that Colonel Fulton and Major Loring may have their lands exchanged for others equally advantageous to them.

Despatch from
Earl Bathurst to
Lieut.-Gen.
Sir J.C. Sherbrooke,
10 August 1817.

I have, &c.
(signed) Bathurst.

— No. 10. —

COPY of a DESPATCH from Sir J. C. Sherbrooke to Earl Bathurst.

My Lord,

Quebec, 5 February 1818.

I HAVE the honour to enclose your Lordship copy of a letter addressed to my secretary by Mr. Felton, on receiving communication of your Lordship's despatch 10 August 1817, acquainting me that Lieut.-Col. Fulton had been informed of the necessity of resuming the lands granted to him in the township of Ascot.

No. 10.
Despatch from
Sir J.C. Sherbrooke
to Earl Bathurst,
5 February 1818.

In recommending to your Lordship's favourable consideration this application of Mr. Felton for a grant of certain Crown Reserves in lieu of the lots held by

No. 10.

Despatch from
Sir J. C. Sherbrooke
to Earl Bathurst,
5 February 1818.

Lieut.-Col. Fulton, I beg leave to add, in further support of it, that the patent for those lots having actually issued before I received your Lordship's first communication on the subject, and there being no means in law of cancelling it, or of destroying the title of Col. Fulton to these lands without his consent, which I understand he is determined to withhold, it becomes the more desirable that Mr. Felton should be compensated in the manner he proposes for the inconvenience he sustains from the grant to Colonel Fulton.

I have, &c.
(signed) J. C. Sherbrooke.

(Enclosure.)

LETTER from Mr. Felton to A. W. Cochran, Esq.

Sir,

Quebec, 26 January 1818.

Enclosure.

I REQUEST you will be pleased to submit to his Excellency the Governor-in-chief, that feeling unwilling to occasion any further inconvenience to his Excellency on the subject of the lands granted to Lieutenant-Colonel Fulton, and being solicitous to extend my settlement without prejudice to that gentleman, I take the liberty of suggesting that, in the event of the Lieutenant-Colonel retaining his title to those lands, it will become equally convenient to me to have them replaced by a similar quantity of the Crown land next adjoining.

From the success of my efforts promising results as satisfactory to myself as useful to the public, I have no doubt that the Earl of Bathurst will be induced to extend the encouragement so liberally afforded me by His Majesty's Government; and as I have received the assurance that for an "especial purpose sanctioned by his Excellency the Governor," his Lordship will authorize the grant, I presume to hope his Excellency will condescend to refer my request to His Majesty's Ministers.

Ascot, 9 range,
Nos. 1 & 8
10 range, No. 6.
11 — No. 4.
12 — Nos. 1 & 8.

The lots intersecting my farms in the centre of my settlement, and of which the possession will much contribute to advance the prosperity of the country around, by enabling me to commence the establishment of a central village church, schoolhouse, &c., are noted in the margin.

Many other public lots, now unoccupied, could be settled to great advantage by English emigrants, if permission can be had to exchange them for other ungranted lands equal in quality in the same township.

I have, &c.
(signed) W. B. Felton.

— No. 11. —

COPY of a DESPATCH from the Earl of Dalhousie to Earl Bathurst.

No. 11.

Despatch from
the Earl of
Dalhousie to
Earl Bathurst,
10 September 1822.

My Lord,
MR. W. B. FELTON having applied to me for a further extension of the grant already made to him under the authority of different despatches from your Lordship, on the ground that he had expended in the cultivation of the land already assigned to him, the sum of money which His Majesty's Government required him to lay out as a condition of getting a further grant, I thought proper to refer the matter to council, whose report thereupon I have now the honour of enclosing to your Lordship; and in pursuance of the recommendation therein contained, I submit to your Lordship's favourable consideration this application for an additional grant, not exceeding the quantity of 5,000 acres, stated in the Report.

I have, &c.
(signed) Dalhousie.

(Enclosure.)

EXTRACT of a REPORT made by a Committee of the whole Council, dated 24th January 1822: approved by his Excellency the Governor-in-chief in Council, 1st March 1822:

Enclosure.

UPON the memorial of William Felton, Esq., "The Committee, in obedience to your Excellency's reference of the 24th September last, have proceeded to take into consideration the several despatches and letters of Earl Bathurst of 22d May 1815, 9th December 1815, 7th December 1816, and 10th August 1817, from which it appears that Mr. Felton, in case of accomplishing his part of the engagement, by the expenditure of 20,000 *l.* in the cultivation of waste lands, should be favourably considered in such further grant as the Crown might see fit to make within the limit of 10,000 acres; and from an examination of Mr. Felton before this Board, the Committee has every reason to believe that the sum of 20,000 *l.* has, by Mr. Felton and his associates, been expended in the improvement and cultivation of the lands which he owns in the township of Ascot.

" At

TO MR. FELTON, IN LOWER CANADA.

"At the same time it is not in the power of this Committee to interfere in this matter so as to advise your Excellency to make a grant of any specific quantity of acres to Mr. Felton. They can only recommend that the propriety of a further grant for such quantity, not exceeding 5,000 acres, as His Majesty in his bounty may see fit to grant to Mr. Felton, should be submitted to the consideration of His Majesty's Ministers."

(Certified.)

(signed) *H. W. Ryland.*

No. 11.
Despatch from
the Earl of
Dalhousie to
Earl Bathurst,
10 September 1822.

Enclosure.

— No. 12. —

COPY of a DESPATCH from Earl *Bathurst* to the Earl of *Dalhousie*.

My Lord,

Downing-street, 29 November 1822.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 10th September last, stating that Mr. W. B. Felton having applied for a further extension of his grant of land, on the ground that he had expended in the cultivation of the land already assigned to him the sum of 20,000 £, and transmitting the report of the Executive Council, recommending that an additional grant, not exceeding 5,000 acres, should be made to Mr. Felton; in reply, I have to approve of your Lordship making a further grant of 5,000 acres to Mr. Felton.

I have, &c.

(signed) *Bathurst.*

No. 12.
Despatch from
Earl Bathurst to
the Earl of
Dalhousie,
29 November 1822.

— No. 13. —

COPY of a DESPATCH from Earl *Bathurst* to the Earl of *Dalhousie*.

My Lord,

Downing-street, 3 July 1826.

I HAVE the honour to transmit to your Lordship the copy of a letter which I have received from Mr. Felton, requesting, in consideration of the capital which he has expended and the fulfilment of the conditions under which his former grants of land were made to him, that he may receive such further encouragement by an extension to his lands as his means to improve them may appear to justify. I have to acquaint your Lordship, that under the circumstances stated by Felton, and as the extensive improvements which he has made give him strong claims to my favourable consideration, I have to authorize your Lordship to make him an additional grant, not exceeding 5,000 acres, with the usual reservations for his children and labourers.

With regard to Mr. Felton's request to receive grants in free and common socage of the reserves which he now holds under lease from the Crown, if your Lordship should be of opinion that it would facilitate the improvement of the township, and is not liable to objection, I feel disposed to accede to the application.

I have, &c.

(signed) *Bathurst.*

No. 13.
Despatch from
Earl Bathurst to
the Earl of
Dalhousie,
3 July 1826.

15 April 1826.
6 May 1826.

LIST of the Documents referred to.

- | | |
|--|-------|
| (A.) Mr. Felton's Letter to Lord Bathurst, 15 April 1826.—Vide Enclosure No. 1, in Despatch, | |
| 3 July, No. 13 - - - - - | p. 10 |
| (B.) Ditto - - second Letter, 6 May 1826.—Vide Enclosure No. 2, in Despatch, 3 July, No. 13, | |
| | p. 10 |
| (C.) Lord Bathurst's Despatch, 3 July 1826.—Vide No. 13 - - - - - | p. 9 |
| (D.) Mr. Felton's Letter of 8th May 1828, to Mr. Secretary Cochran - - - - - | p. 15 |
| (E.) Schedule of Lands prayed for - - - - - | p. 15 |
| (F.) List of Grants - - - - - | p. 16 |
| (G.) Reference to the Attorney-general on the Report of Council - - - - - | p. 16 |
| (H.) Attorney-general's Draught and Reference to the Provincial Secretary - - - - - | p. 16 |

(Enclosure 1, in No. 13.)

LETTER from Mr. *Felton* to Lord *Bathurst*.

(A.)

London, 15 April 1826.

My Lord,

IN an application to your lordship in the year 1814 for a grant of 10,000 acres of waste land in Lower Canada, I engage to employ a capital to the amount of 20,000*l.* in its cultivation and improvement. On obtaining the grant, I devoted myself to the fulfilment of my engagement, and by unwearied exertions for the last 11 years, I have formed a flourishing settlement, and converted a considerable extent of wilderness into productive and valuable farms. In subjecting myself to the privations and expenses inseparable from the establishment of my family in these remote wastes, my object was to form an estate for my children, but I have been compelled to part with a considerable portion of the grant in order to effect the prescribed duties of settlement, and in the course of the enterprise I sustained very severe losses by fire. As my capital has been employed very much to the advantage of the public (although I have reason to believe that it would have been invested with greater benefit to my family in the acquisition of land more accessible than that at the disposal of the Crown), and as I have acquired experience and facilities which will enable me to extend the improvement and settlement of waste lands with greater advantage than heretofore, I take the liberty of requesting your lordship will be pleased to continue the favour and encouragement afforded me by authorizing the Governor-in-chief to make such further extension of my grant as my means and services may appear to justify. At the same time I request that the usual reservations may be made for my children; and my labourers be provided with land as heretofore.

I have, &c.

(signed) *W. B. Felton*.

(Enclosure 2, in No. 13.)

LETTER from Mr. *Felton* to Lord *Bathurst*.

— (B.) —

My Lord,

London, 6 May 1826.

I BEG leave to make my very grateful acknowledgments to your lordship for acceding to my request for an additional grant of land in Lower Canada. Understanding that it is your lordship's intention to give up the Reserves of the Crown, in the view of encouraging the improvement of the townships, I take the liberty of again trespassing on your lordship's indulgence to represent, that having possession of six or seven lots of waste land, held under the lease of the Crown, and which I am desirous of bringing under cultivation, I request your lordship will be pleased to authorize the Governor-in-chief to receive the surrender of the leases, and re-grant the land in free and common socage.

I have, &c.

(signed) *W. B. Felton*.

— No. 14. —

COPY of a DESPATCH from Lieutenant-General Sir *J. Kempt* to the Right honourable Sir *G. Murray*.

No. 14.

Despatch from
Lieut.-Gen.
Sir *J. Kempt* to
Right Hon.
Sir *G. Murray*,
5 February 1829.

Sir,

Castle of St. Lewis, Quebec, 5 February 1829.

EARL BATHURST having, in a despatch dated the 3d of July 1826, conveyed authority to the Earl of Dalhousie to grant 5,000 acres of land to the Hon. *W. B. Felton*, the Commissioner of Crown Lands in the province, I have the honour to inform you that he has lately applied to me for the same; and, the despatch having stated that this grant should be made to him with the usual reservations for children and labourers, he has also applied to me for 1,200 acres for each of his children, nine in number.

I conceive that the despatch above alluded to sufficiently authorizes the grant of 5,000 acres to Mr. Felton; but, as it can scarcely be inferred from the terms "with the usual reservations for children and labourers," that it was the intention to confer a grant to such an extent upon his children, I have informed him that I could not give it without a special authority from you.

The usual allowance to an ordinary settler, when lands were granted, has been 100, or at most 200 acres; and 1,200 is the utmost extent which the Governor is authorized by his instructions to grant to any one individual. Mr. Felton states, that his object in settling in this country was to obtain lands and form an estate for his family; and that, to accomplish this, he has already expended a very large sum of money; but as, besides this grant of 5,000 acres, he has already, on two former occasions, received altogether land to the extent of 5,541 acres, and as the present

present application for his children amounts to 10,800 more, I feel that I could not, without the express sanction of His Majesty's Government, grant so large a quantity of land to any one family; and I therefore request that you will be pleased to inform me, whether you would authorize me to comply with his request.

I have, &c.
(signed) *James Kempt.*

No. 14.
Despatch from
Lieut.-Gen.
Sir J. Kempt to
Right Hon.
Sir G. Murray,
5 February 1829.

— 15. —

COPY of a DESPATCH from Sir G. Murray to Lieut.-General Sir J. Kempt.

Sir,

Downing-street, 11 May 1829.

I HAVE the honour to acknowledge the receipt of your despatch of the 5th February last, requesting instructions as to complying with an application which you have recently received from Mr. Felton, for grants of 1,200 acres of land for each of his children, amounting in the whole to 10,800 acres. I am well aware that Mr. Felton has expended a large capital in improving the grants of land which he has received; but taking also into my consideration the extent of those grants, I do not feel myself justified in authorizing an addition of more than 200 acres to Mr. Felton's grant for each of his children.

I have, &c.
(signed) *G. Murray.*

No. 15.
Despatch from
Sir G. Murray
to Lieut.-Gen.
Sir J. Kempt,
11 May 1829.

— No. 16. —

COPY of a DESPATCH from Mr. Secretary Stanley to Lord Aylmer;
(with Enclosures.)

My Lord,

Downing-street, 1 April 1834.

I HAVE the honour to acquaint you, that among the papers lately sent home from Lower Canada for The House of Commons, my attention has been called to a Return of all grants of land made to members of the Legislative Council up to the 1st July 1832, which, together with other papers required by The House, reached this Department, in your Lordship's despatch, No. 68, of the 10th July, on the 9th September last.

The point which I consider to require immediate notice, and upon which I desire to receive information with the least possible delay, is the quantity of land which is stated to have been granted to Mr. Felton, the Commissioner of Crown Lands, and to his family, and which would appear by the abovementioned return, to amount to upwards of 23,000 acres. On a reference to the correspondence which is to be found in this Department, it seems that the number of acres which the Secretary of State from time to time authorized to be granted to Mr. Felton and his family, differ in several respects from the numbers stated in the Return now furnished for The House of Commons. I enclose a statement from which this will clearly appear. But the most important circumstance is, that Mr. Felton having applied to Sir J. Kempt in 1829 for a grant of 1,200 acres to each of his children, Sir James, in transmitting to the Secretary of State this application, expressed his opinion that the prayer of the petition ought not to be complied with, and Sir George Murray decided that the indulgence to be given should be limited to a grant of 200 acres to each of his children. How it has happened that 1,200 acres have been granted to each child after so express a denial of what could not but be considered as a most unreasonable application on the part of Mr. Felton, considering the quantity of land which he had already received, I am at a loss to explain. I must, therefore, desire that your Lordship will call upon Mr. Felton for the necessary explanation on this point, and that if the grants have not actually issued, you will take care they are withheld; for so large a deviation from the instructions of the Secretary of State cannot possibly be sanctioned. Upon the whole subject, however, I trust that some error will be found to exist, and that I shall not be called upon to signify that decision which, if the facts should be such as they at this moment appear, I should be bound to adopt in a case which admits of so little indulgence.

I have, &c.
(signed) *E. G. Stanley.*

No. 16.
Despatch from
Mr. Sec. Stanley
to Lord Aylmer,
1 April 1834.

Enclosure 1, in No. 16.

No. 16.

Despatch from
Mr. Sec. Stanley
to Lord Aylmer,
1 April 1834.

EXTRACT of RETURN, for The House of Commons, of Lands Granted to Members of the Legislative Council of *Lower Canada* to 1st July 1832, containing such parts of that Return as relate to Mr. *Felton* and his Family.

(Abstract from Parliamentary Paper, No. 149, ordered to be printed
24th March 1834.)

Enclosure 1.

Names of Councillors and Children.	Quantity of Land Granted.	DATE of the GRANT.
W. B. Felton, Esq. - - -	600 acres - -	29th September 1816.
Ditto - - - - -	2,941 - - - -	1st July 1818.
Ditto - - - - -	5,200 - - - -	31st May 1824.
Ditto - - - - -	5,000 - - - -	2d March 1831.
Ditto - - - - -	400 - - - -	24th May 1831.
Children of ditto :		
W. L. P. Felton - - -	1,000 - - - -	- - - -
Eliza Felton - - - -	1,200 - - - -	- - - -
Charlotte Felton - -	1,200 - - - -	- - - -
Fanny Felton - - - -	1,200 - - - -	- - - -
Maria Felton - - - -	1,200 - - - -	- - - -
Matilda Felton - - -	1,200 - - - -	- - - -
Louisa Felton - - - -	1,200 - - - -	- - - -
Octavia Felton - - -	1,200 - - - -	- - - -
Total - - - - -	23,541 acres.	

Enclosure 2, in No. 16.

Enclosure 2.

SUBSTANCE of DESPATCHES from the Secretary of State, authorizing Grants of Land to be made to Mr. *Felton* and his Family.

DATE of DESPATCH.	Grant to be made to Mr. Felton and his Children.	REMARKS.
Lord Bathurst, 22d May 1815.	to Mr. Felton - 2,000 Acres.	- - This despatch also authorized 500 acres to be granted to each of the following gentlemen: Mr. T. Felton, Mr. C. Felton, Mr. W. Whitcher, Mr. C. Whitcher; but as none of them are children of Mr. Felton, the grants to them are not stated in the preceding column.
Lord Bathurst, 7th December 1816.	to Mr. Felton - 3,000	- - This despatch authorized a grant of 700 to each of the above-mentioned gentlemen.
Lord Bathurst, 29th November 1822.	to Mr. Felton - 5,000	
Lord Bathurst, 3d July 1826	to Mr. Felton - 5,000	
Sir G. Murray, 11th May 1829.	- - to Mr. Felton's children 200 acres each. The number of children by the Return for Parliament appears 8 - 1,600	
TOTAL authorized by Secretary of State - }		16,600

— No. 17. —

COPY of a DESPATCH from Lord *Aylmer* to Mr. Secretary *Stanley* ;
(with Enclosures.)

No. 17.

Despatch from
Lord Aylmer to
Mr. Sec. Stanley,
3 July 1834.

Sir,

Castle of St. Lewis, Quebec, 3 July 1834.

WITH reference to your despatch of the 1st of April last, No. 49, calling for an explanation from Mr. Felton, the Commissioner of Crown lands, regarding certain grants of Crown lands in this province to him and his children, which grants have been found to exceed very considerably the amount authorized by His Majesty's Government, I have now the honour of transmitting for your information Mr. Felton's answer to my reference to him on that subject, through my civil secretary.

Mr. Felton's explanation, and its accompanying documents, will, I trust, be found sufficient to answer the purpose of your inquiry.

I have to observe, that the circumstances connected with this subject having occurred previous to my assumption of the government of this province, I have no knowledge of them besides what is derived from the documents now transmitted.

In the despatch to which I have now the honour of returning an answer, I am directed to "take care to withhold the grants (to the children of Mr. Felton) if not already issued."

These grants having been already issued (in November 1830), I shall now await your further directions before requiring the surrender of them by the parties concerned.

Besides the documents furnished by Mr. Felton, I transmit herewith a statement and copy of a letter explanatory of it, from the secretary of the province, of the various grants of Crown lands which have been issued to Mr. Felton and his family; it will be found to vary in some particulars of dates, and numbers of acres, from the statement which accompanied your despatch of the 1st of April, and I therefore return the latter in order that the two statements may be compared. The secretary of the province tells me he is at a loss to account for their discrepancy.

In the statement of the secretary of the province abovementioned, there appears a grant to Mr. Felton during my administration of 600 acres, as late purser in the Royal Navy. That grant was issued upon the recommendation of the Executive Council (a copy of whose report is herewith transmitted), and I take leave to observe, that had I been then aware, which I was not, of the large grants already obtained by Mr. Felton, I should not have given my sanction to that recommendation without reference to His Majesty's Government.

I have, &c.

Aylmer.

(Enclosure 1, in No. 17.)

LETTER from Mr. *Felton* to the Civil Secretary.

Sir,

Quebec, 1 July 1834.

I AM honoured with your communication of 20th May, transmitting to me, by order of his Excellency the Governor-in chief, a despatch from the Right Hon. Mr. Stanley, calling for explanation regarding grants of Crown lands conferred upon me and my family; and in obedience to my Lord Aylmer's commands, I beg leave to submit a statement of all the circumstances, as far as is consistent with my knowledge of the proceedings, and with the documents existent in the public offices.

Enclosure 1.

STATEMENT.

The first points in Mr. Stanley's despatch on which it appears to be desirable to give information, is the course of official proceedings had in relation to making the grant to Mr. Felton's family; and the second is the reasonableness of the application on the part of Mr. Felton, considering the quantity of land which he had already received, and the circumstances under which the grant of 1,200 acres instead of 200 acres was made to Mr. Felton's children, notwithstanding the directions in the Secretary of State's despatch, framed upon the suggestion of Sir James Kempt.

No. 17.

Despatch from
Mr. Sec. Stanley,
to Lord Aylmer,
3 July 1834.

Enclosure 1.

The official proceedings were as follows :

On the 15th April 1826, Mr. Felton being in England, applied to Lord Bathurst for an additional grant of land for himself, and the usual reservation for each of his children, with an allowance of land for his labourers as heretofore.

On the 6th May 1826, he further applied for permission to have the Crown Reserves interspersed amongst his land included in the grant.

On the 3d July 1826, Lord Bathurst directs a grant of 5,000 acres to Mr. Felton, with the usual reservations for his children and labourers, including the grant of the Crown Reserves as prayed for.

On the 8th May 1828, Mr. Felton applies for patents for 5,000 acres of land for himself, and 1,200 for each of his children, and encloses a schedule of the particulars of the required grants, and subsequently to the foregoing furnishes a statement of precedents, showing that the usual extent of grants to children had been 1,200 acres each.

On the 2d March 1829, the Executive Council reports in favour of the grant of 5,013 acres to Mr. Felton, and on the 9th March reference is made to the Attorney-general to prepare a draught of patents for 5,013 acres according to the tenor of the report, but no authority appears to have been given to include the grants to Mr. Felton's children ; in consequence, it is presumed, of Sir James Kempt having determined upon communicating with Sir George Murray for further instructions on that subject. The reply to Sir James Kempt's letter was received on the 7th August 1829, when Colonel Yorke, the civil secretary, transmits to Mr. Felton a copy of the despatch from Sir George Murray, dated 11th May 1829, sanctioning the grant of 200 acres only to each of the children, as suggested by Sir James Kempt.

On the 25th May 1830, the Attorney-general sends his draught of the patents to Colonel Yorke ; this draught contains the grant to the children as prayed for by Mr. Felton, and it remains in Colonel Yorke's possession until the 18th August, when it is transmitted to the secretary of the province, with the order for engrossment indorsed upon it by Colonel Yorke. The patents not being engrossed in time to receive Sir James Kempt's signature, are, with several others similarly situated, presented for the signature of his Excellency Lord Aylmer, 20th November 1830.

The *official* view of the subject is, that an error must have been committed in the office of the Attorney-general, whose draught does not correspond with the report of council, and reference from the civil secretary, as there is no document to be found authorizing the Attorney-general to insert the grant to the children, nor any communication on the subject between the 9th November 1829 and the 25th May 1830, the interval employed in the preparation of the draughts.

The Commissioner of Crown Lands feels it is duty to observe that as a public officer, connected with the management of the Crown lands, he had no agency nor influence, directly nor indirectly, in forwarding the patents ; that in the interval from the 25th May to 11th August 1830, the Attorney-general's draught was in Colonel Yorke's possession, and that no other person had or could have access to it, and that it was only when the patent was ordered to be prepared in August 1830, a few months before the departure of Sir James Kempt for England, that Mr. Felton became aware of the grants being made to the full extent of his petition. The next point connected with his despatch is the reasonableness of Mr. Felton's application, and the circumstance under which the Secretary of State's acquiescence in Sir James Kempt's suggestion was not acted upon.

In referring to Mr. Felton's claims, as set forth in his application to my Lord Bathurst, and as represented to Sir James Kempt, it may possibly appear that Sir James Kempt took a different view of the case in 1830, when his Excellency was about to resign the government of the colony, from that which he entertained on first assuming it in 1828 ; and it is probable that Sir James Kempt found cause to change his opinion, that the prayer of Mr. Felton's petition ought not to be complied with.

When Mr. Felton received Colonel Yorke's letter of 7th August 1829, announcing Sir George Murray's decision, he immediately waited on his Excellency Sir James Kempt, and respectfully expostulated on the hardship and injustice of refusing to him, who had fairly and honourably performed all the conditions of his engagements to the utmost letter, by residing upon his grants, that award to which he considers his children entitled from the privations they had suffered, and the application of their patrimony to purposes from which the government derived more extensive advantage than themselves ; at the same time pointing out that Mr. Felton had abstained from covering his acquisitions by the names of third parties as others had done, preferring to have the names of his family inserted in the patents. And when he ascertained, a short time before the departure of Sir James Kempt, that the extent of the grant corresponded with his pretensions, he was convinced that Sir James had been satisfied with the justice of his claims, and that in acceding to the prayer of the petition, his Excellency had given a proof of the good feeling he condescended to entertain towards him personally, as well as for his character and public services. The Right honourable the Secretary of State, in terming Mr. Felton's request unreasonable, will not probably have adverted to the peculiar circumstances under which it was made. The clamour of factious persons may mislead Mr. Stanley as it misled Sir James Kempt, but if the Secretary of State will cause full inquiry to be instituted, he will find that of all the extensive grantees of the Crown in this colony, Mr. Felton is the only one who brought a capital with him from England, to be applied exclusively to the improvement of his grant, and that he is a solitary example of the *bonâ fide* and minute performance of the engagements under which he occupied the grant.

He will further learn, that by Mr. Felton's exertions and expenditure, a flourishing country has been created where the waste would have at this hour reigned, as on other extensive grants; and that the capital which has produced effects so beneficial to the government and the country, could have been much more advantageously employed in the purchase of other lands, than in the acquisition and improvement of grants from the Crown.

As far as His Majesty's Government is concerned, it is clear, that the clamour of the ignorant and disaffected, notwithstanding the benefits accruing to the province from the improvements of the townships, and the introduction of settlers of loyal feelings and steady habits, by the exertions and at the expense of Mr. Felton, have been cheaply purchased by the sacrifice of a few thousand acres of waste lands, which, under other circumstances, would have either remained uncleared and unimproved, or have been tenanted by a horde of disaffected and disloyal squatters.

I have, &c.,
(signed) William B. Felton.

(Enclosure 4, in No. 17.)

— (D.) —

LETTER from Mr. Felton to Mr. Secretary Cochran.

Sir,

Quebec, 8 May 1828.

I BEG the favour of you to request his Excellency the Governor-in-chief to be pleased to give instructions that a patent may issue for the grant of land authorized to be made to me and my children by the Earl Bathurst's despatch of the 3d July 1826.

The enclosed schedule exhibits the particulars of the lands which I am desirous of obtaining, to the extent of 5,000 acres for myself, and of 1,200 acres to each of my children.

I have, &c.
(signed) W. B. Felton.

(Enclosure 5 a, in No. 17.)

— (E.) —

LIST of LANDS petitioned for by William Bowman Felton, for Himself and Nine Children, as ordered in Lord Bathurst's Despatch of the 3d July 1826.

		Lots,		Acres.
William Bowman Felton	- Ascot	No. 19	- 2d range	200
		3, 4, 5	- 3 -	600
		8, 14, 26, 27 & 28	- 4 -	1,000
		9	- 5 -	200
		12 & 28	- 6 -	400
		9, 16, 23	- 7 -	600
		8 (65 ac.)	- 12 -	165
		4, 5, 6 (214 ac.)	- 13 -	614
	Brompton	22 (272 ac.)	- 4 -	272
	Hatley	28	- 4 -	200
		26 (248 ac.) 28 (166 ac.)	6 -	414
	Orford	10 (148 ac.)	- 1 -	148
		8	- 2 -	200
William Locker Pickmore Felton, Orford	-	{ 16, 17, 18, 19 (289 ac.)	6 -	1,135
		{ 20 (246 ac.)	-	-
Eliza	- Orford	{ 16, 17, 18, 19, 20, 21 (267 ac.)	7 -	1,267
Anne	- Orford	{ 16, 17, 18, 19, 20, 21 (220 ac.)	8 -	1,220
Charlotte	- Orford	{ 16, 17, 18, 19, 20, 21 (195 ac.)	9 -	1,195
		{ 22 (172 ac.) 23 (173 ac.)	-	-
Fanny	- Orford	{ 24 (188 ac.) 25 (223 ac.)	9 -	1,260
		{ 26 (255 ac.) 27 (250 ac.)	-	-
Maria	- Orford	No. 16, 17, 18, 19, 20, 21	17 -	1,200
Matilda	- Orford	{ 22, 23, 24, 25, 26, 27 (182 ac.)	17 -	1,182
Louisa	- Orford	{ 16 (220 ac.) 17, 18, 19,	18 -	1,220
		{ 20, 21	-	-
Octavia	- Orford	{ 22, 23, 24, 25, 26, 27,	18 -	1,182
		{ (182 ac.)	-	-

(signed) William B. Felton.

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Enclosure 3.

Enclosure 4.

Enclosure 5 a.

No. 17.

Despatch from
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Mr. Sec. Stanley,
3 July 1834.

(Enclosure 5 b. in No. 17.)

—(G.)—

Enclosure 5 b.

EXTRACT of a REPORT made by a Committee of the whole Council, dated the 25th February 1829, and approved by his Excellency the Administrator of the Government in Council, the 2d March 1829.

THE despatch of the late Secretary of State, Lord Bathurst, directs that a grant should issue in favour of Mr. Felton for 5,000 acres, to which of course there can be no objection, and your Excellency having been pleased to refer to this Committee to report whether Mr. Felton's request to include the reserves which he now holds under lease from the Crown within the said grant, would facilitate the improvement of the township, and is not liable to objection, the Committee do further report, that it would facilitate the improvement of the township, and it does not appear to this Committee that a grant of these lots to Mr. Felton, as a part of the above-mentioned 5,000 acres, is liable to objection.

(Certified.)

(signed) *Herman W. Ryland.*

(Enclosure 6, in No. 17.)

—(F)—

PRECEDENTS of the Extent of GRANTS to CHILDREN.

Enclosure 6.

Aston, in 1806 :—Susan Finlay, 1,200 acres ; Margaret, 1,200 acres ; Elizabeth, 1,200 acres ; Robert, 1,200 acres ; Charles, 1,200 acres ; George, 1,200 acres.

Kinsey, in 1803 :—Family of Dr. Longmore, six children, 1,200 acres each.

Newport, in 1803 :—Family of Mr. N. Taylor, nine children, 1,200 acres each.

Hull :—Family of P. Wright, in 1806, each 1,200 acres.

Farnham, 1809 :—Family of the Allsops' children, six each, 1,200 acres.

Halifax, W. F. Scott, in 1805 :—Anna Maria Scott, 1,200 acres ; Harriet Sophia, 1,200 acres ; Robert F., 1,200 acres ; Bolton John Scott, 1,200 acres ; Louisa Frances, 1,200 acres ; Salisbury Emma, 1,200 acres.

(Enclosure 7, in No. 17.)

—(H.)—

ATTORNEY-GENERAL'S DRAUGHT of LETTERS PATENT, granting to *William Bowman Felton*, Esq., and others, certain Lots and parts of Lots of Land in the Townships of Ascot, Brompton, Flatley, Orford, Acton, Roxton, Chester and Blandford.

Enclosure 7.

Letters Patent, to be engrossed accordingly, by order of his Excellency the administrator.

Quebec, 18 August 1830.

C. Yorke, Secretary.

Province of Lower Canada.

George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith.

To all to whom these presents shall come, or whom the same may concern, greeting :

Whereas, upon the petitions of Our loving subjects William Bowman Felton, of Sherbrooke, in the inferior district of St. Francis, in Our district of Three Rivers, in our province of Lower Canada, esquire, and William Locker Pickmore Felton, Eliza Felton, Anne Felton, Charlotte Felton, Fanny Felton, Maria Felton, Matilda Felton, Louisa Felton and Octavia Felton, of the same place ; Benjamin Rexford, Ephraim Wadley, Thomas Wadley, George Robinson, William Robinson, George Hart, Simon Kezar, Daniel Lowell, Simon Bean, Artemas Hitchcock, Abraham Rexford, Miram Rexford, Thomas Moore, Thomas Moshure, Samuel Kezar, Charles Burbank, Alphonso Burbank, John Langmead, George Maunsey, Charles Drummond, Boynton Johnson, Elliot P. Sawyer, Ezra Cole, Samuel Ryder, Samuel Rexford, Oris Turner, Oris Turner the younger, Colby Abbot, William Brown, William Peters, Edward Wadley, Stephen Cod, Thomas M. Abbot, Moses Bacon the younger, Benjamin Wadley,

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Wadley, Ira Chamberlain, William Chamberlain, Joseph Alger, David Jewit, Luther Rexford, James Brown, Edward Williamson and Joseph Mirick, of the township of Hatley, situated partly in our district of Montreal, and partly in our said district of Three Rivers; Joseph Rousseau, John A. Nichols and Oliver Edwards, of the township of Orford, situated partly in our said district of Montreal and partly in our said district of Three Rivers; Neal Horan, James Horan, Joseph H. Ferril, John M'Carthy, Archibald M'Carthy, William Dodds, James Parks, James Dundern, Nathaniel Kendal, William Johnson, Francis Wilcox, Francis Wilcox the younger, and James Duggan, of the township of Ascot, in our said district of Three Rivers; Pierre Robitaille, Gamelin Goucher, Alphonse Dumont and Louis Bourgeois, of the township of Acton, situated partly in our said district of Montreal and partly in our said district of Three Rivers; Iran Rock Rolland, of the city of Montreal in our said district of Montreal, esquire; Augustin Germain, of the township of Chester, in our said district of Three Rivers; John Stewart, of the city of Quebec, in our district of Quebec, in our said province, esquire, and of Charles Héon, Louis Héon, Charles Thibodeau, Hubert Poirier, and Alexis Le Blanc and Alexis Provancher, of the township of Blandford, in our said district of Three Rivers, it has been judged reasonable and advisable by our administrator of the government of our province of Lower Canada, by and with the advice and consent of our Executive Council of our said province, that we should grant to our said loving subjects hereinbefore named, severally and respectively, and to their respective heirs and assigns, in free and common socage, certain lots, half lots, tracts and parcels of our waste land hereinafter mentioned and described; upon which lots, half lots, tracts and parcels of land it has been certified to our said administrator of our government, and our said Executive Council, that our said loving subjects hereinbefore named have respectively erected dwelling-houses, and have caused the same to be occupied, and have made or caused to be made the clearing, cultivation and improvement in this behalf required, to entitle them respectively to a grant of the said premises. Now know ye, that We, of our especial grace, certain knowledge and mere motion, for Us, our heirs and successors, have given, granted and confirmed, and by these presents do give, grant and confirm to the said William Bowman Felton, his heirs and assigns, for ever, all those lots, tracts or parcels of land commonly known and distinguished by the names and description of the Lot No. 19 in the second range of lots in the said township of Ascot, containing 200 acres of land, and the usual allowance for highways; Lots numbered 3, 4 and 5, in the third range of lots in the said last-mentioned township, each containing 200 acres of land, and the usual allowance for highways; Lots Nos. 8, 14, 26, 27 and 28, in the fourth range of lots in the same last-mentioned township, each containing 200 acres of land, and the usual allowance for highways; Lot No. 9, in the fifth range of lots in the same last-mentioned township, containing 200 acres of land, and the usual allowance for highways; Lots Nos. 12 and 28, in the sixth range of lots in the same last-mentioned township, each containing 200 acres of land, and the usual allowance for highways; Lots Nos. 9, 16 and 23, in the seventh range of lots, in the same last-mentioned township, containing each 200 acres of land, and the usual allowance for highways; Lot No. 8, in the twelfth range of lots, in the same last-mentioned township, containing 165 acres of land, and the usual allowance for highways; Lots Nos. 4 and 5, in the thirteenth range of lots, in the same last-mentioned township, each containing 200 acres of land, and the usual allowance for highways; Lot No. 6, in the said last-mentioned range of lots, containing 214 acres of land, and the usual allowance for highways; Lot No. 22, in the fourth range of lots, in the township of Brompton, situated partly in the district of Montreal and partly in the district of Three Rivers, containing 272 acres of land, and the usual allowance for highways; Lot No. 28, in the fourth range of lots, in the said township of Hatley, containing 200 acres of land, and the usual allowance for highways; Lot No. 26, in the sixth range of lots, in the same last-mentioned township, containing 248 acres of land, and the usual allowance for highways; Lot No. 28, in the same last-mentioned range of lots, containing 166 acres of land, and the usual allowance for highways; Lot No. 10, in the first range of lots, in the said township of Orford, containing 148 acres of land, and the usual allowance for highways; and Lot No. 8, in the second range of lots, in the same last-mentioned township, containing 200 acres of land, and the usual allowance for highways.

To the said William Locker Pickmore Felton, his heirs and assigns for ever, all those certain lots, tracts, or parcels of land, situated in the said township of Orford, commonly known and distinguished by the names and description of Lots Nos. 16, 17 and 18, in the sixth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; Lot No. 19 in the same last-mentioned range of lots, containing 289 acres of land, and the usual allowance for highways; and Lot No. 20 in the same last-mentioned range of lots, containing 246 acres of land, and the usual allowance for highways.

To the said Eliza Felton, her heirs and assigns for ever, all those certain lots, tracts, or parcels of land, situated in the said township of Orford, commonly known and distinguished by the names and descriptions of Lots Nos. 16, 17, 18, 19 and 20, in the seventh range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; and Lot No. 21 in the same last-mentioned range of lots, containing 267 acres of land, and the usual allowance for highways.

To the said Anne Felton, her heirs and assigns for ever, all those certain lots, tracts or parcels of land, situated in the said township of Orford, commonly known and distinguished by the names and descriptions of Lots Nos. 16, 17, 18, 19 and 20, in the eighth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; and Lot No. 21 in the said last-mentioned range of lots, containing 220 acres of land, and the usual allowance for highways.

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To the said Charlotte Felton, her heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Orford, commonly known and distinguished by the names and descriptions of Lots Nos. 16, 17, 18, 19 and 20, in the ninth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; and of Lot No. 21, in the same last-mentioned range of lots, containing 195 acres of land, and the usual allowance for highways.

To the said Fanny Felton, her heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Orford, commonly known and distinguished by the name and description of Lot No. 22, in the said ninth range of lots in the said township, containing 172 acres of land, and the usual allowance for highways; of Lot No. 23 in the same last-mentioned range of lots, containing 173 acres of land, and the usual allowance for highways; of Lot No. 24 in the said last-mentioned range of lots, containing 188 acres of land, and the usual allowance for highways; and Lot No. 25 in the same last-mentioned range of lots, containing 223 acres of land, and the usual allowance for highways; of Lot No. 26, in the same last-mentioned range of lots, containing 255 acres of land, and the usual allowance for highways; and of Lot No. 27, in the same last-mentioned range of lots, containing 250 acres of land, and the usual allowance for highways.

To the said Maria Felton, her heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Orford, commonly known and distinguished by the names and descriptions of Lots Nos. 16, 17, 18, 19, 20 and 21, in the seventeenth range of lots in the same last-mentioned township, each containing 200 acres of land, and the usual allowance for highways.

To the said Matilda Felton, her heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Orford, commonly known and distinguished by the names and descriptions of Lots Nos. 22, 23, 24, 25 and 26, in the said seventeenth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; and of Lot No. 27, in the same last-mentioned range of lots, containing 182 acres of land, and the usual allowance for highways.

To the said Louisa Felton, her heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Orford, commonly known and distinguished by the name and description of Lot No. 16, in the eighteenth range of lots in the said township, containing 220 acres of land, and the usual allowance for highways; and of Lots Nos. 17, 18, 19, 20 and 21, in the said last-mentioned eighteenth range of lots, each containing 200 acres of land, and the usual allowance for highways.

To the said Octavia Felton, her heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Orford, commonly known and distinguished by the names and descriptions of Lots Nos. 22, 23, 24, 25 and 26, in the said eighteenth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; and of Lot No. 27, in the same last-mentioned range of lots, containing 182 acres of land, and the usual allowance for highways.

To the said Benjamin Rexford, his heirs and assigns for ever, all that certain half lot, tract or parcel of land, situated in the said township of Hatley, commonly known and distinguished by the name and description of the West-half of Lot No. 6, in the fourteenth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Ephraim Wadley, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 8, in the ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Thomas Wadley, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 8, in the said ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said George Robinson, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 9, in the said ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said William Robinson, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 10, in the said ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said George Hart, his heirs and assigns for ever, all that half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 10, in the said ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Simon Kezar, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 26, in the second range of lots in the said township, containing 200 acres of land, and the usual allowance for highways.

To

To the said Daniel Lowell, his heirs and assigns for ever, all that certain half lot, tract or parcel of land, situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 9, in the tenth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Simon Bean, his heirs and assigns for ever, all that certain lot, tract or parcel of land, situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 28, in the first range of lots in the said township, containing 200 acres of land, and the usual allowance for highways.

To the said Artemas Hitchcock, his heirs and assigns for ever, all that certain half lot, tract or parcel of land, situated in the said township of Hatley, commonly known and distinguished by the name and description of the West-half of Lot No. 9, in the eighth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Abraham Rexford, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 9, in the seventh range of lots, in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Miram Rexford, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of the said Lot No. 9, in the tenth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Thomas Moore, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 8, in the said tenth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Thomas Moshure, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of the said Lot No. 9, in the seventh range or lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Samuel Kezar, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 9, in the sixth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Charles Burbank, his heirs and assigns, for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 2, in the fifth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Alphonso Burbank, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of the said Lot No. 2, in the fifth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said John Langmead, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 2, in the seventh range of lots in the said township, containing 200 acres of land, and the usual allowance for highways.

To the said George Maunsey, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 9, in the ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Charles Drummond, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 19, in the said sixth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Boynton Johnson, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of lot No. 9, in the said fourteenth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Elliot P. Sawyer, his heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 22, in the said seventh range of lots in the said township, containing 135 acres of land, and the usual allowance for highways; and Lot No. 23, in the said last-mentioned range of lots, containing 126 acres of land, and the usual allowance for highways.

To the said Ezra Cole, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name

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name and description of Lot No. 21, in the said seventh range of lots in the said township, containing 150 acres of land, and the usual allowance for highways.

To the said Samuel Ryder, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 14, in the ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Samuel Rexford, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot N. 7, in the sixteenth range of lots in the said township, containing 69 acres of land, and the usual allowance for highways.

To the said Oris Turner, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 14, in the eighth range of lots in the said township, containing 200 acres of land, and the usual allowance for highways.

To the said Oris Turner the younger, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 12, in the said eighth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Colby Abbot, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 17, in the said seventh range of lots in the said township, containing 200 acres of land, and the usual allowance for highways.

To the said William Brown, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the north half of Lot No. 3, in the third range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said William Peters, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the south half of the said Lot No. 3, in the third range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Edward Wadley, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 7, in the said fifth range of lots in the said township, containing 53 acres of land, and the usual allowance for highways.

To the said Stephen Call, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the same township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 14, in the said ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Thomas M. Abbot, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 23, in the said fifth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Moses Bacon the younger, his heirs and assigns for ever, all that certain half lot, tract or parcel of land, situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 5, in the sixth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Benjamin Wadley, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 23, in the said fifth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Ira Chamberlain, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 13, in the said ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said William Chamberlain, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 14, in the said fourteenth range of lots in the said township, containing 124 acres of land, and the usual allowance for highways.

To the said Joseph Alger, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 10, in the said eighth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said David Jewit, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 14, in the said seventh range of

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of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Luther Rexford, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 9, in the said fourteenth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said James Brown, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 19, in the said seventh range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Edward Williamson, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 19, in the said seventh range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Joseph Mirick, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 16, in the said eighth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Joseph Rousseau, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Orford, commonly known and distinguished by the name and description of the north-east half of Lot No. 17, in the fifth range of lots in the said township, containing 93 acres of land, and the usual allowance for highways.

To the said John A. Nichols, his heirs and assigns for ever, all that certain half lot, tract or parcel of land, situated in the said township of Orford, commonly known and distinguished by the name and description of the east half of Lot No. 10, in the third range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Oliver Edwards, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Orford, commonly known and distinguished by the name and description of the west half of Lot No. 10, in the said third range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Neal Horan, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the east half of Lot No. 14, in the eighth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said James Horan, his heirs and assigns, for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the west half of the said Lot No. 14, in the eighth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Joseph H. Terril, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of Lot No. 2, in the said eighth range of lots in the said township, containing 75 acres of land, and the usual allowance for highways.

To the said John M'Curdy, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the east half of Lot No. 2, in the fifth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Archibald M'Curdy, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the west half of the said Lot No. 2, in the fifth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said William Dodds, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of Lot No. 11, in the eleventh range of lots in the said township, containing 124 acres of land, and the usual allowance for highways.

To the said James Parks, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the east half of Lot No. 15, in the ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said James Dundern, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the west half of the said Lot No. 15, in the ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Nathaniel Kendal, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the east half of Lot No. 7, in said eighth range

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of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said William Johnson, his heirs and assigns for ever, all that certain half lot tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the west half of the said Lot No. 7, in the eighth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said François Wilcox, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the east half of Lot No. 2, in the seventh range of lots, in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said François Wilcox the younger, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the west half of the said Lot No. 2, in the seventh range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said James Duggan, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the west half of Lot No. 7, in the fourth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Pierre Robitaille, his heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Acton, commonly known and distinguished by the name and description of Lots Nos. 42 and 43, in the seventh range of lots in the said township of Acton, each containing 200 acres of land, and the usual allowances for highways; and of Lots Nos. 41, 42 and 43, in the eighth range of lots in the same last-mentioned township, each containing 200 acres of land, and the usual allowance for highways.

To the said Gamelin Goucher, his heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Acton, commonly known and distinguished by the names and description of Lots Nos. 38 and 40, in the fifth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; and of Lots Nos. 39 and 40, in the sixth range of lots in the same last-mentioned township, each containing 200 acres of land, and the usual allowance for highways.

To the said Alphonso Dumont, his heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Acton, commonly known and distinguished by the name and description of Lot No. 41, in the fifth range of lots in the said township, containing 200 acres of land, and the usual allowance for highways; of Lots Nos. 43 and 44, in the sixth range of lots in the same last-mentioned township, each containing 200 acres of land, and the usual allowance for highways; and of Lot No. 44, in the seventh range of lots in the same last-mentioned township, containing 200 acres of land, and the usual allowance for highways.

To the said Louis Bourgeois, his heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Acton, commonly known and distinguished by the names and description of Lots Nos. 30 and 31, in the said fifth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; and of Lots Nos. 30 and 31, in the sixth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways.

To the said Iran Rock Rolland, his heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the township of Roxton, in our said district of Montreal, commonly known and distinguished by the names and description of Lots Nos. 5, 6, 7, 8, 9, 10, 11 and 12, in the eleventh range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways.

To the said Augustine Germain, his heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Chester, commonly known and distinguished by the names and descriptions of the irregular Lot No. 9, in the sixth range of lots in the said township, bounded on the north-east by Lot No. 9, in the fifth range of lots, on the south-west partly by Lot No. 8, hereinafter next described, and partly by the east side line of Lot No. 14, in the Craig's-road range south, on the south-east by Lot No. 8, in the said sixth range of lots, and on the north-west by Lot No. 10, in the same last-mentioned range of lots, containing about 198 acres of land, and the usual allowance for highways; of the irregular Lot No. 8, in the seventh range of lots in the same last-mentioned township, bounded on the north-east partly by Lot No. 8 and partly by Lot No. 9, in the said sixth range of lots, on the south-west partly by Lot No. 8 and partly by Lot No. 9, in the eighth range of lots in the same township, on the north-west by the south ends of Lots Nos. 13 and 14, in the Craig's-road range of lots south, and also partly by the east outline of the said Lot No. 14, coming to a point on the same at its intersection with the range line between the sixth and seventh ranges, containing about 136 acres of land, and the usual allowance for highways; and of the north-west half of Lot No. 7, in the seventh range of lots in the same last-mentioned township, adjoining the said lastly-described lot on the south-east, containing about 105 acres of land, and the usual allowance for highways.

And to the said John Stewart, his heirs and assigns, for ever, all those certain lots, tracts or parcels of land situated in the said township of Chester, commonly known and distinguished by the names and descriptions of Lots Nos. 9, 10, 11, 13 and 14, in the Craig's-road

road range of lots north, in the said township, each containing 200 acres of land, and the usual allowance for highways; and Lot No. 14, in the Craig's-road range of lots south, in the said township, also containing 200 acres of land, and the usual allowance for highways.

To have and to hold the said several lots, half lots, tracts or parcels of lands, lands, tenements and premises hereinbefore given, granted and confirmed to our said several grantees hereinbefore named severally and respectively of us, our heirs and successors, unto and to the use of each of them our said grantees severally, separately and respectively, and unto and to the use of the heirs of each of them our said grantees severally, separately and respectively, in pursuance of and according to the separate grants hereinbefore made to them respectively, in free and common soccage by fealty, in like manner as lands are now holden in free and common soccage in that part of Great Britain called England: And know ye further, that we, of our especial grace, certain knowledge and mere motion, for us, our heirs and successors, have given, granted and confirmed, and by these presents do give, grant and confirm to the said Charles Héon, Louis Héon, Charles Thibodeau, Herbert Poirier and Alexis Leblanc the younger, and Alexis Provancher, their heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Blandford, commonly known and distinguished by the names and description of Lot marked (C.) in the tenth range of lots in the said township, bounded south-easterly by the river Beçancour, north-westerly by a road of 50 links in width between this lot and the Lot No. 29 in the third range of lots, south-westerly by the Lot marked (D.), and north-easterly by Lot No. 1 in the said tenth range of lots, containing about 62 acres of land, and the usual allowance for highways; of Lot marked (D.) in the tenth range of lots in the said last-mentioned township, bounded south-easterly by the river Beçancour, north-westerly by a road of 50 links wide between the said lot and Lot No. 29 in the third range of lots, south-westerly by the Lot marked (E.), and north-easterly by the last-described Lot marked (C.), containing about 73 acres of land, and the usual allowance for highways; of Lot marked (E.) in the said tenth range of lots in the said township, bounded south-easterly by the river Beçancour, north-westerly by a road of 50 links between this lot and Lot No. 29 in the fourth range of lots, south-westerly by the Lot marked (F.), north-westerly by the said Lot marked (D.), containing about 83 acres of land, and the usual allowance for highways; and of Lot marked (F.) in the said tenth range of lots in the said township, bounded south-easterly and south-westerly by the river Beçancour, north-westerly by a road of 50 links wide between this lot and Lot No. 29 in the fourth range of lots, and north-westerly by the Lot marked (E.) above described, containing about 67 acres of land, and the usual allowance for highways; To have and to hold the said last-mentioned lots, tracts or parcels of land of us, our heirs and successors, unto and to the use of the said Charles Héon, Louis Héon, Charles Thibodeau, Herbert Poirier and Alexis Leblanc and Alexis Provancher, their heirs and assigns for ever, as tenants in common, and not as joint tenants in free and common soccage, but fealty only, in like manner as lands are now holden in free and common soccage in that part of Great Britain called England.

Provided always, that these our grants hereinbefore contained are made on the express condition that no part of the said lots, half lots, tracts or parcels of land and premises be within any reservation heretofore made and marked out, for us, our heirs and successors, by our surveyor-general of our woods, or his lawful deputy, and of any part thereof, upon a survey being made, be found within any such reservation, that then our grant for such part be null and void, and of no effect, anything herein contained to the contrary thereof notwithstanding. And for a specification of the land by us reserved, allotted and appropriated for the maintenance and support of a Protestant clergy within our said province; know ye, further, that according to the statute in such case made and provided, we have saved and reserved, and hereby do expressly save and reserve to us, our heirs and successors, and do allot and appropriate for the maintenance and support of a Protestant clergy within our said province, all those certain lots, parts of lots, tracts or parcels of land hereinafter mentioned and described; that is to say, Lot No. 11 in the fourth range of lots in the said township of Ascot, containing 200 acres of land, and the usual allowance of highways; Lot No. 15 in the second range of lots, in the same last-mentioned township, containing 200 acres of land, and the usual allowance for highways; Lot No. 13, in the third range of lots, in the same last-mentioned township, containing 200 acres of land, and the usual allowance for highways; and 156 acres of land with the same allowance, making part and parcel of the east end of Lot No. 8, in the said second range of lots in the said last-mentioned township; 120 acres of land, with the usual allowance for highways, making part and parcel of the east end of Lot No. 20, in the seventh range of lots in the said township of Hatley; 70 acres of land, with the usual allowance for highways, making part and parcel of the west end of Lot No. 1, in the ninth range of lots in the said township of Oxford; and 54 acres of land, with the same allowance, making other part and parcel of the same last-mentioned lot; the westerly one-fifth part of the west half of Lot No. 5, in the fourteenth range of lots in the said township of Hatley, containing 20 acres of land, and the usual allowance for highways; 20 acres of land, with the usual allowance for highways, making part and parcel of the west half of Lot No. 5, in the fourteenth range of lots in the same last-mentioned township; and 20 acres of land, with the same allowance, making part and parcel of the west half of the same last-mentioned lot; 20 acres of land, with the same allowance, making part and parcel of the same last-mentioned half lot; 20 acres of land, with the same allowance, making part and parcel of the same last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of the said Lot No. 5, in the fourteenth range of lots in the said township of Hatley; 40 acres of land,

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with the usual allowance for highways, making part and parcel of the same last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the same last-mentioned half lot; and also 40 acres of land, and the usual allowance for highways, making part of the west half of Lot No. 5, in the twelfth range of lots in the same last-mentioned township; 40 acres of land, with the usual allowance for highways, making part and parcel of the west half of the said Lot No. 5, in the twelfth range of lots in the same last-mentioned township; 40 acres of land, with the usual allowance for highways, making part and parcel of the same last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the said Lot No. 5, in the twelfth range of lots in the same last-mentioned township; 80 acres of land, with the usual allowance for highways, making part and parcel of the east half of the said Lot No. 7, in the eleventh range of lots in the same last-mentioned township; 5 acres of land, with the usual allowance for highways, making part and parcel of the said Lot No. 5, in the twelfth range of lots in the same last-mentioned township, and 20 acres of land, with the same allowance, making part and parcel of the east half of Lot No. 7, in the eleventh range of lots in the same last-mentioned township; five acres of land, with the usual allowance for highways, making part and parcel of the east half of the said Lot No. 5, in the twelfth range of lots in the same last-mentioned township, and 20 acres of land, with the same allowance, making part and parcel of the said east half of Lot No. 7, in the eleventh range of lots in the said last-mentioned township; 30 acres of land, with the usual allowance for highways, making part and parcel of the same last-mentioned half lot; 10 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot, and 10 acres of land, with the same allowance, making part and parcel of the west end of the west half of Lot No. 12, in the twelfth range of lots in the same last-mentioned township; 15 acres of land, with the usual allowance for highways, making part and parcel of the same last-mentioned half lot; 60 acres of land, with the usual allowance for highways, making part and parcel of the same last-mentioned half lot; 40 acres of land, with the usual allowance for highways, making part and parcel of the said Lot No. 12, in the twelfth range of lots, in the said last-mentioned township; 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of the said last-mentioned lot; 30 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned lot; 30 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned lot; and 10 acres of land, with the same allowance, making part and parcel of the west end of Lot No. 14, in the eleventh range of lots in the same last-mentioned township: 85 acres of land, with the usual allowance for highways, making part and parcel of the west half of the said last-mentioned lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of the said last-mentioned lot; and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the west end of Lot No. 10, in the tenth range of lots, in the same last-mentioned township; 18 acres of land, with the usual allowance for highways, making part and parcel of the east half of Lot No. 1, in the ninth range of lots, in the said township of Orford, and 40 acres of land, with the usual allowance for highways, making part and parcel of the same last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the west half of Lot No. 27, in the seventh range of lots, in the said township of Ascot, and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot: 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of the said last-mentioned lot, and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; 60 acres of land, with the usual allowance for highways, making part and parcel of the west half of Lot No. 27, in the twelfth range of lots in the same last-mentioned township; Lot No. 36, in the seventh range of lots, in the said township of Acton, containing 200 acres of land, and the usual allowance for highways; Lot No. 36, in the ninth range of lots, in the said last-mentioned township, containing 200 acres of land, and the usual allowance for highways; Lot No. 31, in the tenth range of lots, in the said last-mentioned township, containing 200 acres of land, and the usual allowance for highways; and 80 acres of land, with the same allowance, making part and parcel of the south end of Lot No. 38, in the said tenth range of lots, in the same last-mentioned township; Lot No. 13, in the ninth range of lots, in the said township of Roxton, containing 200 acres of land, and the usual allowance for highways; and 120 acres of land, with the same allowance, making part and parcel of Lot No. 16, in the same last-mentioned range of lots; the south-west half of Lot No. 8, in the sixth range of lots, in the said township of Chester, containing 100 acres of land, and the usual allowance for highways; Lot No. 8, in the Craig's-road range of lots, north, in the said last-mentioned township, containing 180 acres of land, and the usual allowance for highways; and 50 acres of land, with the same allowance, making part and parcel of the south end of Lot No. 12, in the said Craig's-road range of lots, south, and 10 acres of land, with the same allowance, making part and parcel of the north half of Lot No. 8, in the sixth range of lots, in the same last-mentioned township; and 57 acres of land, with the usual allowance for highways, making part and parcel of the north-west end of Lot No. 2, in the

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sixth range of lots, in the township of Maddington, in the said district of Three Rivers. The whole quantity of land, so reserved, allotted and appropriated, being, as nearly as circumstances and the nature of the case will admit, of the like quality as the land hereinbefore granted, in respect of which the same is so allotted and appropriated, and, as nearly as can be estimated, equal in value to one-seventh part of the land hereinbefore granted. And know ye further, that we have saved and reserved, and hereby do expressly save and reserve to us, our heirs and successors, for our future *disposition*, all those certain lots, parts of lots, tracts and parcels of land hereinafter described; that is to say, Lots Nos. 17, 18 & 19, in the eleventh range of lots, in the said township of Orford, each containing 200 acres of land, and the usual allowance for highways; and 156 acres of land, with the same allowance, making part and parcel of the east end of Lot No. 17, in the twelfth range of lots, in the same last-mentioned township; Lot No. 23, in the seventh range of lots, in the said township of Hatley, containing 120 acres of land, and the usual allowance for highways; 70 acres of land, with the usual allowance for highways, making part and parcel of the west end of Lot, No. 20, in the tenth range of lots, in the said township of Orford, and 54 acres of land, with the same allowance, making part and parcel of Lot No. 20, in the tenth range of lots, in the same township; the westerly one-fifth part of the west half of Lot No. 8, in the twelfth range of lots, in the said township of Hatley, containing 20 acres of land, and the usual allowance for highways; 80 acres of land, with the usual allowance for highways, making part and parcel of the west half of the said Lot No. 8, in the twelfth range of lots, in the same last-mentioned township; 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of the said last-mentioned lot; and 80 acres of land, with the same allowance, making part and parcel of the said last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the west end of the west half of Lot No. 11, in the eleventh range of lots in the same last-mentioned township, and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of the said last-mentioned lot; and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the west half of Lot No. 13, in the tenth range of lots in the said last-mentioned township; and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; five acres of land, with the usual allowance for highways, making part and parcel of the east half of the said last-mentioned lot; and 90 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; 40 acres of land, with the usual allowance for highways, making part and parcel of Lot No. 6, in the tenth range of lots in the same last-mentioned township; 60 acres of land, with the usual allowance for highways, making part and parcel of the west half of the said last-mentioned lot, and 90 acres of land, with the usual allowance for highways, making part and parcel of the east half of the same last-mentioned lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the west half of Lot No. 15, in the ninth range of lots in the same last-mentioned township; 60 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; five acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; five acres of land, with the usual allowance for highways, making part and parcel of the east end of Lot No. 13, in the tenth range of lots in the said last-mentioned township; 20 acres of land, with the usual allowance for highways, making part and parcel of the said west half of Lot No. 15, in the ninth range of lots in the said last-mentioned township; 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of the said Lot No. 15, in the ninth range of lots, in the said last-mentioned township; 60 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; and 20 acres of land, with the usual allowance for highways, making part and parcel of the east end of the said last-mentioned lot; 58 acres of land, with the usual allowance for highways, making part and parcel of the west half of Lot No. 22, in the ninth range of lots in the said township of Orford; 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of Lot No. 17, in the ninth range of lots, in the said last-mentioned township; and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the west half of the said Lot No. 17, in the ninth range of lots in the said last-mentioned township; and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; 60 acres of land, with the usual allowance for highways, making part and parcel of the east half of Lot No. 20, in the tenth range of lots in the said last-mentioned township; Lot No. 30, in the seventh range of lots in the said township of Acton, containing 200 acres of land, and the usual allowance for highways; Lot No. 33, in the ninth range of lots, in the said last-mentioned township, containing 200 acres of land, and the usual allowance for highways; Lot No. 42, in the tenth range of lots in the said last-mentioned township, containing 200 acres of land, and the usual allowance for highways; and 80 acres of land, with the same allowance, making part and parcel of the south end of Lot No. 35, in the said tenth range of lots in the said last-mentioned township; Lot No. 20, in the ninth range of lots, in the said township of Roxton, containing 200 acres of land, and the usual allowance for highways; the east half of Lot No. 19, in the said last-mentioned range of lots, containing 100 acres of land, and the usual allowance for highways; and 20 acres of land, with the same allowance, making part and parcel of the north end of Lot No. 21, in the same

No. 17.

Despatch from
Lord Aylmer to
Mr. Sec. Stanley,
3 July 1834.

Enclosure 7.

last-mentioned range of lots; the south-west half of Lot No. 2, in the seventh range of lots, in the said township of Chester, containing 100 acres of land, and the usual allowance for highways; Lot No. 12, in the Craig's-road range of lots north, in the said last-mentioned township, containing 200 acres of land, and the usual allowance for highways; and 40 acres of land, with the same allowance, making part and parcel of the south end of Lot No. 8, in the Craig's-road range of lots south, in the said last-mentioned township; and 57 acres of land, with the usual allowance for highways, making part and parcel of Lot No. 1, in the sixth range of lots, in the said township of Maddington: And the whole quantity of land so reserved as last aforesaid, being, as nearly as circumstances and the nature of the case will admit, of the like quality as the land hereinbefore granted, in respect of which the same is so reserved, and, as nearly as can be estimated, equal in value to one-seventh part of the land hereinbefore granted. Provided always, and these Our Royal Letters are upon this express condition, that if our said grantees respectively, their respective heirs and assigns, shall not within one year next after the date thereof settle on the premises hereby granted to them respectively, so many families as shall amount to one family for every 1,200 acres hereby granted to our said grantees respectively; or if he or they respectively shall not within three years, to be computed as aforesaid, plant and effectually cultivate at least two acres for every 100 acres of such of the hereby-granted premises as are capable of cultivation, and shall not also within seven years, to be computed as aforesaid, plant and effectually cultivate at least seven acres for every 100 acres of such of the premises hereby granted to him or them respectively as are capable of cultivation, then and in every of these cases the grants hereinbefore made to our grantee and grantees making default as aforesaid in the premises, or any of them, and everything therein contained shall cease and be absolutely void, and the lands hereby granted, in respect of which such settlement and cultivation, or such cultivation as aforesaid, shall not be made, shall revert and escheat to us, our heirs and successors, and shall thereupon become the absolute and entire property of us or them, in the same manner as if our said last-mentioned grants had never been made, anything hereinbefore contained to the contrary or anywise notwithstanding; provided also, and we do hereby expressly reserve to us, our heirs and successors, all mines of gold and silver which now are or shall be found upon the aforesaid lots, parts of lots, tracts and parcels of land and premises hereby granted, or any part thereof, so that the said mines, and each of them, shall belong to us, our heirs and successors, in all full and ample manner as if the present grants had never been made; and we do hereby expressly reserve to us, our heirs and successors, full power, right and authority to make and use all such roads, ways and passages over the said lots, parts of lots, tracts and parcels of land and premises hereby granted, or any part thereof, and also to take, stop, divert and use all such rivers, streams, ponds and bodies of water as shall by us or them be judged necessary or convenient for working or improving the said mines, or any of them; and provided further, if any mine or mines of gold or silver shall be found on the said lots, parts of lots, tracts and parcels of land and premises hereby granted, our said grantee, his heirs or assigns possessing such land, or any part of the same, shall within the space of six months after the discovery of such mine or mines, give notice of the discovery thereof to our Governor, Lieutenant-governor or person administering the government of our said provinces for the time being, and if he, she or they shall make default therein, the present grant of the said land, at the end of the said six months next ensuing after such discovery, shall become void, and the said land hereby granted shall revert and escheat to us, our heirs and successors, in the same manner as if the present grants had never been made, anything herein contained to the contrary in anywise notwithstanding; and we do hereby expressly reserve to us, our heirs and successors, a right of making any number of public roads or highways, of a breadth not exceeding 100 feet, through any part of the said lots, parts of lots, tracts and parcels of land and premises hereby granted, except such parts whereon any dwelling-house or other houses or buildings shall be erected; and we do hereby also expressly reserve to us, our heirs and successors, full power, right and authority to erect and build any forts or fortresses, or to make any other works of military defence on any part of the said lots, parts of lots, tracts and parcels of land and premises hereby granted, that may by us, our heirs and successors, be deemed necessary for the peace and safety of our said provinces, whenever we or they shall signify it to be our or their pleasure so to do, by an order given by us or them, in our or their Privy Council in Great Britain, or whenever it shall be judged advisable or expedient so to do by our Governor, Lieutenant-governor or person administering the government of our said province, by and with the advice and consent of our Executive Council of our said province; and we do hereby direct and appoint, that within six months from the day of the date of these presents, a copy of these our letters patent shall be registered in our Register's-office in our city of Quebec, in our said province of Lower Canada, and that a docket thereof shall also be entered in our Auditor's-office in our said city of Quebec, and that in default thereof, the said lots, parts of lots, tracts and parcels of land and premises hereby granted, shall revert and escheat to us, our heirs and successors, and become the absolute property of us or them, in the same manner as if the present grants had never been made, anything herein contained to the contrary in anywise notwithstanding.

In Testimony, &c. &c.

Witness, &c. &c.

This is my Draught,

(signed) J. Stuart, Attorney-general.

25 May 1830.

Enclosure 8, in No. 17.

STATEMENTS of GRANTS of CROWN LANDS made to the Hon. Mr. Felton and his Family, by Letters Patent under the Great Seal of the Province, as required by Lieut.-colonel Craig's Letter of the 30th instant, for the information of his Excellency the Governor-in-Chief.

	Date of Patent.	Number of Acres in each Grant.	By whom Ordered to be made out.	Authority under which Grant was Conferred.
A grant of land was made, under Letters Patent, to the Hon. Mr. Felton.	29 Sept 1816	2,000	Sir J. C. Sherbrooke -	-- There is nothing in this office to show that this grant was made upon any other authority than that of the Governor and Executive Council.
Ditto - - - -	1 July 1818	3,000	Sir J. C. Sherbrooke -	- - Ditto.
Ditto - - - -	31 May 1824	5,200	Lord Dalhousie -	- - Ditto.
Ditto - - - -	20 Nov. 1830	5,013	Sir James Kempt -	-- These grants appear, from a list of lands petitioned for by Mr. Felton, and deposited with the draught of the patent in this office, to have been ordered in Lord Bathurst's Despatch of 3 July 1826.
Ditto to nine children of Mr. Felton.	- - - -	10,862	Sir James Kempt -	
Ditto to Mr. Felton -	24 May 1831	600	Lord Aylmer - - -	-- This grant appears to have been made to Mr. Felton, as late Purser of the Royal Navy.
TOTAL - -	- -	26,675		

Secretary's-office, }
Quebec, 4 June 1834. }

(signed) D. Daly,
Secy and Regr.

Enclosure 9, in No. 17.

LETTER from the Secretary of the Provinces to the Civil Secretary.

Sir,

Secretary's Office, Quebec, 11th June 1834.

Enclosure 9.

IN reply to your letter of yesterday, inclosing a statement received from the Secretary of State, by his Excellency the Governor-in-chief, together with one which I had recently furnished for the information of his Excellency, regarding the grants that have been made to the Hon. Mr. Felton and his family, I have the honour to state, that I can in no way explain the discrepancy between these two statements, except in the omission in the former statement of the name of one of Mr. Felton's children, to whom 1,220 acres were granted, and the fact that all general statements of lands granted are taken from the docket books of this office, in which the numbers of lots only are inserted (each lot as containing about 200 acres).

In the preparation of the last-mentioned statement, which is in every minute particular correct, the exact number of acres has been taken from the original letters patent. Any inaccuracy in the statement transmitted to his Excellency by the Secretary of State, can only be attributable to clerical errors, which may have arisen either in the preparation or copying of the original statement.

With reference to the authority by which I was directed to make out a grant of 1,200 acres of land to each of Mr. Felton's children, I have the honour to state, for his Excellency's information, that a draught of letters patent was prepared by the late Attorney-general, and transmitted to me by Colonel Yorke, granting all the lands, more particularly described in a list (copy of which I have the honour to inclose), to Mr. Felton and his family, with, as in all cases, the following order affixed to it:

"Letters patent to be engrossed accordingly. By order of his Excellency the Administrator. Quebec, 18th August 1830. (signed) C. Yorke, Secretary."

This draught and order not having reached my office in time to have the letters patent completed prior to the departure of Sir James Kempt, they were prepared and perfected by his Excellency the Governor-in-chief, in the usual course, with others similarly situated.

The draught, as above described, was sent to this office, unaccompanied by any documents connected with it; and it was not until after the letters patent had been for a considerable time completed, that the list above alluded to, and an extract of a Report of the Executive Council (copy of which I have also the honour to inclose) were sent, with a parcel of other papers connected with grants of land, to this office, from that of the Civil Secretary, having, as I understood, been sent there by the late Attorney-general, after his suspension from office.

In conclusion, I have the honour to state, that the preparation of the letters patent in question was proceeded with by me in the usual way, in obedience to the commands of Sir James Kempt, as conveyed by his Civil Secretary, upon the back of the draught prepared and signed by the late Attorney-general.

I have, &c.

(signed) D. Daly, Secretary.

No. 17.

Despatch from
Lord Aylmer to
Mr. Sec. Stanley,
3 July 1834.

Enclosure 10.

Enclosure 10, in No. 17.

EXTRACT of a REPORT made by a Committee of the whole Council, dated 4 November 1830, and approved by his Excellency the Governor-in-Chief in Council, 7 December 1830, on the petition of *W. B. Felton*, Esq., praying that, as late Purser in the Royal Navy, he may obtain a Grant of the Clergy Reserves, Lots No. 12, in the ninth range, No. 10, in the tenth range, and No. 11, in the seventh range of the Township of Ascot, in exchange for Lands of equal value formerly granted to him in the Township of Ham.

THE committee having perused the letter of the Lord Bishop of Quebec, of the 30th May last, wherein his Lordship expresses the acquiescence of the clergy corporation in the proposed arrangement of an exchange of the Clergy Reserves, being Lots No. 12 in the ninth range, and No. 10 in the tenth range of the township of Ascot, for lands of equal value, they humbly recommend that the petitioner obtain a grant of these lots, and that two lots in the township of Ham be laid out as an equivalent for the clergy as to No. 7 in the eleventh range of the township of Ascot, and No. 19 in the second range of Hatley; inasmuch as it appears that these lots are still undisposed of, the committee humbly advise that the same be granted to the petitioner.

(Certified.)

George H. Ryland.

—No. 18.—

COPY of a DESPATCH from Mr. Secretary *Spring Rice* to Lord *Aylmer*.

(Confidential.)

No. 18.

Despatch from
Mr. Sec. S. Rice
to Lord Aylmer,
29 October 1834.

My Lord,

Downing-street, 29th October 1834.

I HAVE had the honour to receive your Lordship's despatch, No. 58, of the 3d July last, accompanied by the explanation, which my predecessor directed you to require, from Mr. Felton, respecting certain grants of Crown lands to himself and his children, that had been found considerably to exceed the amount of any grants sanctioned by His Majesty's Government. The facts of the case, as they appear from the various documents appended to your Lordship's communication, may be stated as follows:

In the year 1826, Mr. Felton, being already in possession of grants of land to the extent of more than 10,000 acres, applied to Lord Bathurst for an additional grant, and requested that it might be accompanied with the "usual reservations" for his children. This petition was grounded on the exertions which Mr. Felton had made on his previous allotments; on which, he stated, he had formed a flourishing settlement, and had converted a considerable extent of wilderness into productive and valuable farms. Lord Bathurst admitted the force of these considerations, and instructed the Governor to make to Mr. Felton a further grant of 5,000 acres; adding an authority, framed in close adherence to the language of Mr. Felton's application, for the usual reservation in favour of his children.

In May 1828 Mr. Felton claimed the execution of Lord Bathurst's directions in his favour, and submitted a schedule of the lands which he wished to obtain under that authority; consisting of about 5,000 acres for himself, and of about 1,200 for each of his children. The number of his children was nine.

Sir James Kempt agreed to the demand of 5,000 acres for Mr. Felton himself, but referred to the Secretary of State for instructions respecting the grant to his children. Sir James Kempt observed, that the usual allowance to an ordinary settler was 100, or at most 200 acres; and that 1,200 acres, which Mr. Felton claimed for each of his nine children, was the utmost amount that the Government was at liberty to assign to any one individual. Under these circumstances Sir James declined to accede to the demand, unless he should receive positive directions to that effect from Sir George Murray.

Before proceeding further, I think this a proper place to advert to, and dispose of, that part of Mr. Felton's recent explanation, in which he discusses the reasonableness of his application in the year 1828. This point is by no means of equal importance with others in the case; but since it has been raised, I feel it unnecessary to postpone, to any subsequent part of this review of the circumstances, the declaration

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Despatch from
Mr. Sec. S. Rice,
to Lord Aylmer,
29 October 1834.

declaration of my clear opinion, that Mr. Felton's request on behalf of his children in 1828 was altogether immoderate. Indeed, when I refer to the very few words in which the subject was mentioned in his application to Lord Bathurst—words thrown out carelessly at the end of his letter, and repeated by his Lordship with an absence of any attempt at definition, which shows how little importance was attached to them—I am at a loss to conceive how Mr. Felton could suppose it possible, that by such a passage he had become entitled to 10,800 acres of land. It is no doubt true, that the value of His Majesty's lands in the Colonies was not formerly estimated by the Government at so high a rate as now; but there never was a time when the Secretary of State would have alienated, in such a manner, a tract of country that could not be worth less than some thousands of pounds. As soon as Sir George Murray received the question referred to him by Sir James Kempt, he replied by directing that 200 instead of 1,200 acres should be assigned to each of Mr. Felton's children. This decision was duly communicated to Mr. Felton. He states, that he expostulated with Sir James Kempt on what he considered its hardship and injustice; but he does not allege that Sir James signified any change of view, in consequence of this remonstrance. Sir James, shortly after left the colony, without any further communication with Mr. Felton on the subject. Nevertheless, a few months afterwards a patent was issued, conveying to each of Mr. Felton's children the 1,200 acres originally solicited for them; upon which Mr. Felton, without one inquiry respecting the cause of so extraordinary a deviation from decisions distinctly and repeatedly signified by the Governor, and by the Secretary of State, silently acquiesced in the unexpected advantage; and his children have remained in possession of the lands up to the present moment, when an accidental discovery in a miscellaneous return has brought the subject to light.

Mr. Felton states, that "when he ascertained, a short time before the departure of Sir James Kempt, that the extent of the grant corresponded with his pretensions, he was convinced that Sir James had been satisfied with the justice of his claims; and that, in acceding to the prayer of the petition, his Excellency had given a proof of the good feeling he condescended to entertain towards him personally, as well as for his character and public services." Upon this statement I am compelled to remark, that Mr. Felton must have known very well that Sir James Kempt was the first person to object to the extensive grants he sought for his children; and in the absence of any express declaration of a change of opinion, he could have no justification in tacitly assuming an alteration of view so favourable to his own interests. He does not say that Sir James Kempt gave signs of any such change of sentiment when he heard Mr. Felton's arguments on the subject, a short while before his departure; and even had Sir James relinquished the opinions originally formed by himself, and afterwards persisted in by him notwithstanding such objections as Mr. Felton could urge, it would not have been in his power to have reversed the Secretary of State's positive instructions, without applying to this department for a revision of the case. Neither is it to be supposed that he would have abandoned all his previous resolutions, without any other indication of the change than the mere contents of a formal instrument under the Great Seal. A colonial officer of ability and high rank, such as Mr. Felton, can hardly have been ignorant that this is not the manner in which the decisions of the Government are accustomed to be dealt with. Considering, therefore, Mr. Felton's position, both as a legislative councillor and as Commissioner of Crown lands, which latter situation ought to have rendered him jealous of the interests of that branch of the public property, and especially scrupulous in respect to all advantages to himself out of it; he appears to me to have omitted an imperative duty, when he neglected to call the attention of the local government to the unlooked-for benefits conveyed to him by the letters patent, touching his children's lands. He was bound to bring the subject distinctly under notice; and his silence was the less excusable, since he appears to have become aware of the contents of the letters patent before Sir James Kempt left the colony; so that he could have no difficulty in immediately ascertaining, from the best authority, whether or not there had been a real change of intention in his favour.

I think the foregoing statement is quite enough to show the course which must be adopted. Your Lordship will call upon Mr. Felton for a surrender of all the lands which have been assigned to his children above the authorized quantity of 200 acres to each; or should that be impossible by reason of their nonage, you

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Despatch from
Mr. Sec. S. Rice
to Lord Aylmer,
29 October 1834.

will require a surrender of an equivalent portion of his own lands. The reasons on which this step is founded appear to me, after giving due consideration to Mr. Felton's statement, so obvious and incontrovertible, that I desire to receive no reference home on the subject. You will acquaint Mr. Felton that the demand is one with which I expect his immediate compliance.

The foregoing part of this despatch contains the communication which I wish to be made to Mr. Felton. To your Lordship I must add, that if he declines to obey the requisition which I have felt authorized to make upon him, it will be your duty to dispense with Mr. Felton's further services, and to provide in such manner as you most conveniently can for the discharge of his duties until a successor can be appointed by me. Your Lordship will also, in that case, take the opinion of the law officers of the government on the question, whether there is any legal process by which the right of the Crown to this land could be effectually asserted in a court of justice. Without meaning to express or suggest a positive conclusion on that subject, I should yet wish it to be well considered, whether a grant so unadvisedly made in favour of the family of a public officer, himself in charge of a large branch of the Crown land revenues, and upon an apparent mistake on the part of the King's Attorney-general can be valid as against His Majesty. Your Lordship is aware that for the protection of the public revenue, royal grants of this nature are liable to be revoked in this country, on grounds which would be inapplicable to the case of a private grant. To what extent this principle may have been adopted in the law of Lower Canada, is a question which I cannot undertake to resolve on any legal authority which I can consult in this country.

It is not without great pain that I contemplate the alternative which I have now mentioned, to which I trust your Lordship will not have need to resort. But your Lordship will have the goodness not to impart to Mr. Felton these conditional instructions; for I am anxious, on the one hand, not to obtain a cession of property by any proceeding which could be construed into a menace, nor, on the other hand, am I ready to become pledged that even if Mr. Felton does make the required surrender, I shall on that account abstain from any ulterior mark of displeasure.

Viewing Mr. Felton's want of connexion with the preparation of instruments for the conveyance of land, and, consequently, his perfect freedom from any imputation of wilful falsification of documents in the present case, I trust that I may not feel called upon to advise his removal on account of his too easy acquiescence in an error committed in his favour; but the question admits of doubt, and I am unwilling to preclude myself from further consideration of the subject.

I have marked this despatch "confidential," because, as the transaction to which it relates is one that required me to comment very freely the topics of personal character and motives, I do not wish that it should needlessly or accidentally become public. The communication, however, is perfectly official, and, if rendered desirable by any future circumstances, I have no objection to its being regarded in that light.

I have, &c.

(signed) *T. Spring Rice.*

— No. 19. —

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 23d Feb. 1836.

No. 19.
Despatch from
Lord *Glenelg* to
Earl of *Gosford*,
23 February 1836.

My attention has recently been directed to a despatch addressed to Lord Aylmer, on the 29th October 1834, by my predecessor in this office, Mr. Spring Rice, on the subject of the large quantity of land which had been obtained by Mr. Felton, the Commissioner of Crown lands in Lower Canada, in his own name and in the names of his children. Mr. Spring Rice directed that certain measures should be forthwith taken for procuring from Mr. Felton the cession of so much of this land as exceeded the quantity which His Majesty's Government had intended to bestow on him and his family; and he gave instructions as to the course which should be adopted towards Mr. Felton, should he hesitate to comply with the demand

demand to be made on him for this purpose. I find that no report has been received at this department of the steps which were taken in consequence of Mr. Spring Rice's despatch, and I have to request that your Lordship will supply this omission by furnishing me, at your earliest convenience, with full information on the subject, including copies of any correspondence which has passed between the Governor of Lower Canada and Mr. Felton. I need hardly observe, that if any circumstance should have hitherto postponed the execution of Mr. Spring Rice's instructions in this matter, your Lordship will understand that they are still in force, and will proceed to give them immediate effect. In this case you will report to me without delay the measures which you will have taken and their result.

I have, &c.

(signed) *Glenelg.*

No. 19.

Despatch from
Lord Glenelg to
Earl of Gosford,
23 February 1836.

LOWER CANADA.

CORRESPONDENCE between the SECRETARY
OF STATE for the COLONIES and the GOVERNORS
of *Canada* and Mr. *W. B. Felton*, relative to
Lands Granted to the said *W. B. Felton*.

(*Mr. Roebuck.*)

*Ordered, by The House of Commons, to be Printed,
4 March 1836.*

LOWER CANADA.

FURTHER RETURN to an ADDRESS of the Honourable The House of Commons,
dated 24 February 1836;—for,

COPIES of all CORRESPONDENCE that has taken place between the
SECRETARY OF STATE for the COLONIES and the GOVERNORS of *Canada* and
Mr. *W. B. Felton*, relative to Lands granted to the said *W. B. Felton*.

(In continuation of Paper presented 4 March 1836, No. 75.)

Colonial Department, }
26 July 1836. }

G. GREY.

(*Mr. Roebuck.*)

Ordered, by The House of Commons, to be Printed,
27 July 1836.

SCHEDULE.

No.

20.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis,
Quebec, 11 May 1836 (sixteen Enclosures) - - - - - p. 3

21.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street,
1 July 1836 - - - - - p. 11

CORRESPONDENCE between the Secretary of State for the Colonies and the Governors of *Canada* and Mr. *W. B. Felton*, relative to Lands granted to the said *W. B. Felton*.

—No. 20.—

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

My Lord,

Castle of St. Lewis, Quebec, 11 May 1836.

I HAVE the honour to acknowledge the receipt, on the 5th instant, of your Lordship's despatch of the 23d of February last (No. 52), referring to a previous despatch from Mr. Spring Rice, of the 29th of October 1834, on the subject of the large quantity of land obtained by Mr. Felton in his own name, and in the names of his children; and, in compliance with your Lordship's wishes, I lose no time in transmitting for your information the enclosed documents (sixteen in number), being copies of all the correspondence and proceedings which have taken place in this matter since the receipt of Mr. Spring Rice's despatch, which it appears reached Quebec on the 6th of January 1835.

Upon a perusal of these documents your Lordship will perceive that, on the 9th of the same month, my predecessor furnished to Mr. Felton so much of Mr. Spring Rice's despatch as he was therein directed to communicate to that gentleman, and called upon him immediately to take the necessary steps for the surrender to the Crown of all the lands which had been assigned to his children, above the authorized quantity of two hundred acres to each; or, if that should be impossible by reason of their nonage, for the surrender of an equivalent portion of his own lands. Mr. Felton, in his reply of the same day, expressed his readiness to make the required surrender, and requested to be informed of the manner in which the Governor wished that operation to be performed; at the same time intimating an intention to remonstrate against the measure thus adopted by His Majesty's Government. The matter was then placed in the hands of the Attorney-general, to whom Mr. Felton was referred for the purpose of making the required surrender. In the month of May following Mr. Felton addressed a letter to the then Civil Secretary, in which, after stating that, from a verbal communication with the Attorney-general, he had ascertained that, by reason of nonage, there existed difficulties not easily to be overcome in the way of a surrender of the lands granted to his children, and renewing the assurance of his readiness to meet the views of Government, he inquired whether an equivalent in land, or the value in money, of the excess granted to his children above the authorized quantity, would be preferred. Upon this, it appears that my predecessors suspended all proceedings on the part of the Attorney-general by referring the matter to the Executive Council, who, in a Report dated the 13th of June 1835 (No. 5), recommended, as the most eligible mode of giving effect to the instructions of His Majesty's Government, and avoiding the difficulties suggested by Mr. Felton, that he should be called on to pay the value of the land in money; such value to be ascertained by the price obtained by the Crown for wild lands in the township nearest to that in which the lands assigned to Mr. Felton and his family were situated. The recommendation of the Council was sanctioned by Lord Aylmer, and communicated to Mr. Felton, with a request that he would adopt the necessary measures for carrying it into effect. He accordingly pointed out the steps (see Enclosure No. 7) which, in his opinion, would be best calculated for ascertaining the value of the lands; and his suggestions having been approved by the Governor in Council, Captain Hayne, of the Royal Staff Corps, then superintending, on the part of the Crown, the survey of lands in the neighbouring township for the British American Land Company, was instructed on the 15th of August last, to obtain and report to his Lordship the best information in his power as to the value of the lands assigned to Mr. Felton's family; but it appears from Captain Hayne's Report of the 6th of February last (Enclosure No. 10), that the nature of his other duties was such as to prevent his carrying these instructions into effect.

No. 20.

Despatch from the Earl of Gosford to Lord Glenelg, 11 May 1836.

Enclosure 1.

Enclosure 2.

Enclosure 3.

Enclosure 4.

Enclosure 5.

Enclosure 6.

Enclosure 8.

Enclosure 9.

No. 20.

Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

During the late session of the provincial parliament, and for some time afterwards, my attention was occupied with so many questions of general political importance and of pressing moment, that the consideration of Mr. Felton's case was postponed to a period when I could enter into a full and uninterrupted investigation of it. This opportunity did not present itself until a short time previous to the reception of your Lordship's despatch; and having, upon a perusal of the documents connected with the subject, arrived at the conclusion that the measures which had been adopted in consequence of Mr. Spring Rice's despatch would not lead to the result contemplated by His Majesty's Government, I did not hesitate to depart from the course which the proceedings had taken, and to revert to a literal observance of the instructions of the Secretary of State. With this view I caused Mr. Felton to be informed, on the 3d instant (Enclosure No. 11), that the Attorney-general had been instructed to adopt forthwith such measures as in his opinion would be best calculated to give immediate and full effect to the determination of His Majesty's Government, in the manner pointed out in Mr. Spring Rice's despatch.

From the enclosed correspondence, which, in consequence of this letter, has taken place between Mr. Felton, the Attorney-general and my Civil Secretary, your Lordship will perceive that Mr. Felton, while he conceives that he has already complied with the wishes of His Majesty's Government as far as he was concerned, and that it only remained to fix the price of the excess of land to complete the purchase according to his previous offer, has expressed his willingness to accede to any other measure for meeting the views of His Majesty's Government; and to procure from such of his children as are of age, whose consent he has obtained, the surrender of their respective portions, with a suggestion, either that a writ of *scire facias* on the ground of error should be brought to annul the grant to the minors, or, if preferred, that he should give a mortgage security on his own lands, to procure a valid surrender from them when they come of age.

This is the last step that has been taken in the matter; but from the positive nature of the directions given to the Attorney-general, coupled with the disposition evinced by Mr. Felton, I anticipate a satisfactory termination to this unpleasant affair; and I shall not fail to give your Lordship immediate information of the subsequent proceedings that may be adopted in carrying into effect my determination to adhere to the instructions I have received.

I have, &c.

(signed) Gosford:

(Enclosure 1, in No. 20.)

LETTER from Colonel Craig to W. B. Felton, Esq.

Sir,

Castle of St. Lewis, Quebec, 9th January 1835.

Enclosure 1.

In compliance with the instructions of the Governor-in-chief, I have the honour of transmitting, for your information and guidance, copy of an extract from a despatch addressed to his Excellency by Mr. Secretary Spring Rice, dated the 29th October 1834, in relation to your explanation on the subject of a grant of Crown lands obtained by you in favour of your children, to the extent of 10,800 acres; and in compliance with the instructions conveyed in the concluding paragraph of the enclosed extract, his Excellency desires that you will immediately take the necessary steps for the surrender to the Crown of all the lands which have been assigned to your children above the authorized quantity of 200 acres to each; or should that be impossible by reason of their nonage, the surrender of any equivalent portion of your own lands.

I have, &c.

(signed) H. Craig, Secretary.

(Enclosure 2, in No. 20.)

LETTER from W. B. Felton, Esq. to Colonel Craig.

Sir,

Quebec, 9 January 1835.

Enclosure 2.

I AM to acknowledge the receipt of your letter of this day, covering the copy of an extract from a despatch, addressed to his Excellency the Governor-in-chief by Mr. Secretary Spring Rice, of the 29th October 1834, and calling upon me to surrender to the Crown all the

the lands which have been assigned to my children above the authorized quantity of 200 acres to each; or should that be impossible by reason of their nonage, the surrender of an equivalent portion of my own lands.

I have now the honour to inform you, that I am ready to make the required surrender immediately, and request that you will be pleased to signify the manner in which the legal adviser of Government will recommend that operation to be performed. As I have evinced my early compliance with the decision of the Secretary of State, I trust his Excellency will feel himself at liberty to transmit to His Majesty's Government my remonstrance on the subject, as I am convinced that a more dispassionate judgment will be awarded, and a conclusion more just and liberal towards me will be arrived at, when all the circumstances attendant on the transaction, more particularly those connected with my relations to the Government as a Legislative Councillor and Commissioner of Crown Lands, shall be maturely considered.

I have, &c.

(signed) William B. Felton.

No. 20.
Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

(Enclosure 3, in No. 20.)

LETTER from Colonel Craig to W. B. Felton, Esq.

Sir,

Castle of St. Lewis, Quebec, 14 January 1835.

Enclosure 3.

WITH reference to your letter of the 9th instant, on the subject of the lands which have been assigned to your children, above the authorized quantity of 200 acres to each, I am directed by his Excellency the Governor-in-chief to inform you, that the orders of the Secretary of State to demand the surrender of any land assigned to your children, which shall exceed the grant of 200 acres to each, as sanctioned by the instructions of Sir George Murray to Sir James Kempt, being imperative, it is his Lordship's desire that you will put yourself in communication with the Attorney-general (to whom an extract from Mr. Secretary Spring Rice's despatch of 29 October 1834 has been communicated) for the purpose of effecting the surrender accordingly.

I have, &c.

(signed) H. Craig, Secretary.

(Enclosure 4, in No. 20.)

LETTER from W. B. Felton, Esq. to Colonel Craig.

Sir,

Quebec, 5 May 1835.

Enclosure 4.

IN obedience to the desire of his Excellency the Governor-in-chief, expressed in your letter of the 14 January last, I placed myself in communication with the King's Attorney-general, on the subject of the conveyance to the Crown of an excess of waste lands granted to my children, above the quantity which the Secretary of State authorized them to receive. Upon making inquiry as to the course which I am to adopt for effecting that object, I have ascertained, by a verbal communication from Mr. Attorney-general, that the difficulty which was anticipated by the Secretary of State in relation to the rights of the minors involved in this conveyance, appears to be of a nature which cannot readily be got over; and therefore the alternative contemplated in the same despatch will most probably be resorted to for the satisfaction of His Majesty's Government. Under these circumstances, I renew the assurance which I had before the honour of making to you, that however I may regret the decision of the Secretary of State, yet that I am most ready to accede to any measure which may place the Crown in the same position in which it stood before the patents passed the Great Seal; and I am desirous of ascertaining whether his Excellency, in carrying the instructions of the Secretary of State into effect, prefer the conveyance to the Crown of an equal quantity of land, or the payment of the value of that which has been already granted. Should my Lord Aylmer think proper to entertain any proposal of this character, it may probably be convenient to refer to the Executive Council to point out the mode of ascertaining the equivalent to be offered. In the absence of better means of coming at the value, I take leave to suggest that the examination and report of a surveyor (Mr. Wells) who was employed by the B. A. Land Company to inspect the lands in question, would furnish tolerably accurate grounds for fixing the price. I beg leave to point out, that the Crown in resuming these lands would probably obtain nothing for them from the Company, who would claim them as part of all the Crown property sold to them at a fixed sum, *en bloc*, or would demur at the price, if the payment was to be made in addition to that sum, at the rate of the other lands purchased by them.

I have, &c.

(signed) William B. Felton.

No. 20.

Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

(Enclosure 5, in No. 20.)

REPORT.

To his Excellency the Right honourable Lord *Aylmer*, K. C. B., Captain-general and Governor-in-chief of the Province of Lower Canada, &c. &c. &c.

REPORT of a Committee of the whole Council,—present the Hon. Mr. Smith, Mr. De Lery, Mr. Stewart and Mr. Cochran,—on your Excellency's reference respecting the excess of land granted to Mr. Felton's family, and to be surrendered by him or them.

May it please your Excellency,

Enclosure 5.

As it appears from Mr. Felton's letter of the 5th May last, that several of his children are under age, so that valid conveyances could not now be obtained from them for the surrender to His Majesty of the excess of land granted to them above the quantity authorized by His Majesty's Government, and as such conveyances of surrender, even from the elder branches of Mr. Felton's family and from himself, might be subject to some doubt as to their revesting the lands in His Majesty, with a title perfectly free from incumbrance, the Committee are induced to advise, as the most eligible mode of giving effect to the instructions of His Majesty's Government, and avoiding these and other difficulties suggested by Mr. Felton, that he should be called upon to pay to His Majesty the value of the excess of land so granted to him and his family, such value to be ascertained by the price obtained by the Crown for wilderness lands in the nearest township in which sales have been made in the neighbourhood of the lands granted to Mr. Felton and his family.

All which is respectfully submitted to your Excellency's wisdom.

Council Chambers, }
13th June 1835. }

By Order,

(signed) *W. Smith*, Chairman.

(Enclosure 6, in No. 20.)

LETTER from Colonel *Craig* to *W. B. Felton*, Esq.

Sir,

Castle of St. Lewis, Quebec, 16th June 1835.

Enclosure 6.

I AM directed by the Governor-in-chief to transmit for your information and guidance the accompanying extract, from a Report of a Committee of the Executive Council, respecting the excess of land granted to your family, and to be surrendered by you or them; and his Excellency has further directed me to request that you will adopt the necessary measures to carry the recommendation of the Council into effect.

I have, &c.

(signed) *H. Craig*, Secretary.

(Enclosure 7, in No. 20.)

LETTER from *W. B. Felton*, Esq. to Colonel *Craig*.

Sir,

Quebec, 18th June 1835.

Enclosure 7.

I AM honoured with your letter of the 16th instant, enclosing a report of the Executive Council, approved by his Excellency the Governor-in-chief, and directing me to adopt the necessary measures for carrying the recommendation of the Council into effect.

The report of the Council advises that I should be called upon to pay to His Majesty the value of the excess of land granted to my children, such value to be ascertained by the price obtained by the Crown for wilderness land in the nearest township in which sales have been made in the neighbourhood.

I am happy to perceive that a final decision has at length been come to on this business, which it was my desire to terminate long since, and in the manner most agreeable to His Majesty's Government.

In order to give effect to the recommendation of the Council, I beg leave to submit the proceedings necessary to ascertain the value of the lands in question, taking it for granted that the price at which the sales made to the B. A. L. Company have been effected apply to the lands, and that the actual sales in the same township, together with those to the Company, should form the basis of the estimate for their value; and that the difference of quality and position should influence that result, as in similar cases, when the value of other Crown lands are to be ascertained, it will be necessary to determine by examination the actual circumstances of the lots; and as the B. A. L. Company has required a survey to be made, to mark

mark and re-establish the obliterated lines of the lands adjoining to these, a favourable occasion is presented of doing perfect justice to all parties, by causing the survey to be extended to the lands in question: the same reason which authorizes the Company to suspect that the lines, if ever actually marked in the field, are obliterated, apply to produce a similar belief in respect to these lands. The surveyor must be directed to report specially as to the circumstances of quality and position, as usual in operations of this nature. So soon as the report is received, his Excellency will be enabled to form a judgment on the estimate to be submitted, and I shall endeavour to pay the price which his Excellency may consider it just to require under all the circumstances of the case.

No. 20.
Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1835.

I have, &c.

(signed) *W. B. Felton.*

(Enclosure 8, in No. 20.)

REPORT.

To his Excellency the Right honourable Lord *Aylmer*, K. C. B., Captain-general and Governor-in-chief of the Province of Lower Canada, &c. &c. &c.

REPORT of a Committee of the Executive Council,—present, the Honourable Mr. Smith, Mr. De Lery, Mr. Stewart,—on a Letter from W. B. Felton, Esq. respecting the valuation of the lands which he is to return to the Government.

Enclosure 8.

May it please your Excellency,

THE Committee recommend that a valuation of the lands granted in excess to Mr. Felton and his family be made, as suggested in his letter of the 18th of June, by a surveyor, to be approved of by your Excellency and employed at the expense of Mr. Felton, and that such valuation be the price to be paid by Mr. Felton to Government.

All which is respectfully submitted to your Excellency's wisdom.

Council Chambers, }
13 July 1835. }

By Order,

(signed) *W. Smith, Chairman.*

(Enclosure 9, in No. 20.)

LETTER from Colonel *Craig* to Captain *Hayne*.

(Confidential.)

Sir,

Castle St. Lewis, Quebec, 15th August 1835.

Enclosure 9.

By an order from His Majesty's Principal Secretary of State for the Colonial Department, Mr. Felton has been called upon to surrender an excess of lands in Orford, which had been granted in error to certain members of his family. Difficulties having arisen in carrying this order into execution, arising principally from the grants having been made to minors, his Excellency the Governor-in-chief was pleased to refer the instructions to the Executive Council, with a request that they would offer to his Lordship their advice as to the manner in which the surrender in question could best be effected, the Council reported, in the first instance, that the difficulty which presented itself might be removed, by calling upon Mr. Felton to pay for the excess to be surrendered, at the price paid for wilderness land by parties purchasing from the Crown in the nearest township. This communication, on its being communicated to Mr. Felton, produced a letter from that gentleman, dated 18th June, containing certain suggestions, which, on being transmitted to the Executive Council, that body finally advised his Excellency to adopt the suggestions contained in Mr. Felton's letter before alluded to; copies of which reports, together with Mr. Felton's letters, and a list of the lands granted, I now enclose for your further information. With a view to obtain the most correct information as to the value of these lands, so as to frame instructions for the guidance of the surveyor, who may be employed under the report of the Executive Council of the 13th July, his Lordship is desirous to avail himself of your services in this matter, during the time you are employed in retracing the obliterated lines in Orford; and his Excellency has directed me to request you to obtain the best information in your power respecting the value of the lands granted to Mr. Felton, and report the result to me for his Lordship's information; directing your inquiries not only to the value of the lands for agricultural purposes, but also as to their present value as timber lands.

I have, &c.

(signed) *H. Craig, Secretary.*

No. 20.

Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

(Enclosure 10, in No. 20.)

LETTER from Captain *Hayne* to *Stephen Walcott*, Esq., Civil Secretary.

Quebec, 6 February 1836.

Sir,

IN obedience to the commands of the late Governor-in-chief, Lord Aylmer, conveyed by Mr. Secretary Craig's letter of 15th August 1835, I beg leave to state that my opportunities for examining the lands in the township of Orford, referred to in the said letter, have been very limited, in consequence of my engagements in other duties; such, however, as I have seen (viz. those in the seventh and eighth ranges), and can venture to report upon, are of very little value for agricultural purposes, the soil being shallow and stony, and the timber chiefly spruce.

Instructions have been given to Mr. Wyse, who is now employed on the verification of the survey of Orford, to be very particular in his observations on the soil and timber of the lands referred to in Colonel Craig's letter, and I feel satisfied that his report will contain all the information necessary to enable you to form a just estimation of the value of the lands.

I have, &c.

(signed) *R. Hayne*,
Captain H. P. Royal Staff Corps.

Enclosure 10.

(Enclosure 11, in No. 20.)

LETTER from *S. Walcott*, Esq., to *W. B. Felton*, Esq.

Castle of St. Lewis, Quebec, 3d May 1836.

Sir,

REFERRING to Mr. Secretary Spring Rice's despatch of the 29th of October 1834 (of which you have had communication), directing the late Governor-in-chief to call upon you for a surrender of all the lands that have been assigned to your children, above the authorized quantity of 200 acres; or should that be impossible, by reason of their nonage, a surrender of an equivalent portion of your own lands, and requesting his Excellency to acquaint you that the demand is one with which the Secretary of State expects your immediate compliance, I have been commanded by his Excellency the Earl of Gosford to inform you, that as the proceedings, which have already been had in this matter, do not appear likely to lead to the result contemplated by His Majesty's Government, the Attorney-general has been instructed to adopt forthwith such measures as in his opinion may be best calculated to give immediate and full effect to the determination of the Government, in the manner pointed out in the despatch to which I have above alluded.

I have, &c.

(signed) *S. Walcott*, Civil Secretary.

Enclosure 11.

(Enclosure 12, in No. 20.)

LETTER from *S. Walcott*, Esq., to the Attorney-General.

Castle of St. Lewis, Quebec, 3 May 1836.

Sir,

REFERRING to Mr. Secretary Spring Rice's despatch of the 29th of October 1834 (an extract from which accompanied my predecessor's letter of the 14th of January 1835), directing the late Governor to call upon the Honourable W. B. Felton for a surrender of all the lands that have been assigned to his children, above the authorized quantity of 200 acres; or should that be impossible, by reason of their nonage, a surrender of an equivalent portion of his own lands, and desiring him to be informed that the demand is one with which the Secretary of State expects an immediate compliance, I have been commanded by his Excellency the Governor-in-chief to request that, as the proceedings which have been already had in this matter do not appear likely to lead to the desired result, you will forthwith place yourself in communication with Mr. Felton on the subject, with a view to the adoption of such measures as may in your opinion be necessary for giving immediate and full effect to the determination of His Majesty's Government, as expressed in the despatch to which I have above alluded.

I have, &c.

(signed) *S. Walcott*, Civil Secretary.

Enclosure 12.

(Enclosure

TO MR. FELTON, IN LOWER CANADA.

9

(Enclosure 13, in No. 20.)

LETTER from *W. B. Felton, Esq.* to *Stephen Walcott, Esq.*

No. 20.

Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

Sir,

Quebec, 4 May 1836.

Enclosure 13.

I AM honoured with your letter of yesterday, communicating to me the decision of his Excellency the Earl of Gosford, in respect to the proceedings to be adopted for the surrender of certain lands granted to my children. On this occasion, I take the liberty of recalling to your recollection, and of repeating the assurances which I had the honour of making to the late Governor-in-chief, immediately on receiving the communication of Colonel Craig, calling on me to surrender those lands in compliance with the instructions from the Secretary of State. In my letter of the 9th January 1835, I state "that I am ready to make the required surrender immediately, and request that you will be pleased to signify the manner in which the legal adviser of the Government will recommend that operation to be performed." On the 14th January, Colonel Craig desires me to "put myself in communication with the Attorney-general, to whom extract from Mr. Secretary Spring Rice's despatch of the 29th October 1834 has been communicated, for the purpose of effecting the surrender accordingly." And on the 5th May 1835, I informed Colonel Craig, that "upon making inquiry as to the course which I am to adopt for effecting that object, I have ascertained by a verbal communication from Mr. Attorney-general, that the difficulty which was anticipated by the Secretary of State, in relation to the right of the minors involved in this conveyance, appears to be of a nature which cannot readily be got over, and therefore the alternative contemplated in the same despatch will most probably be resorted to for the satisfaction of His Majesty's Government. Under these circumstances, I renew the assurance which I had before the honour of making to you, that however I may regret the decision of the Secretary of State, yet that I am most ready to accede to any measure which may place the Crown in the same position in which it stood before the patents passed the Great Seal, and I am desirous of ascertaining whether his Excellency, in carrying the instructions of the Secretary of State into effect, prefer the conveyance to the Crown of an equal quantity of land, or the payment of the value of that which has been already granted." This proposition was submitted to the Executive Council, and on their recommendation the Government decided to have the lands valued, and to receive payment from me for the amount.

As I have learnt by the publication of Lord Aylmer's confidential instruction to Captain Hayne, that measures have been adopted to insure that the full value of these lands should be secured to the Crown, I am somewhat surprised at the annunciation of my Lord Gosford's pleasure "to instruct the Attorney-general to adopt forthwith such measures as in his opinion may be best calculated to give immediate and full effect to the determination of the Government, in the manner pointed out in the despatch above alluded to."

It is not, however, with the remotest intention of obstructing these measures, which his Excellency upon reconsideration of the decision of his predecessor deems it expedient to direct, that I submit the present remarks; but it appears to me, that as a public officer, whose official character has been assailed in relation to the obtaining and retention of these lands, it may be permitted me to request that some measures may be adopted to exculpate me from the charges in that particular, which have been brought under his Excellency's notice by the Assembly of this province. It cannot fail to strike you, that the opportunity to remove the imputations against me in regard to the arrangements between my labourers and myself in locating lands to them, afforded by the issue of a Commission of Oyer and Terminer, will not avail me in respect to the charge of fraudulently procuring the patents for the grants to my children, and that the judgment of some other tribunal, equally entitled to public respect, is essential to the proper and just vindication of my character from this aspersion; I have already applied to the Royal Commission on this particular point, deeming it to form a subject to which their inquiries might with all propriety be directed, more particularly on account of its having been made matter of complaint in the House of Commons, but I had not the good fortune to succeed in my application. As the motion of a Member of the Imperial Parliament, noticed in the public papers, leads me to suppose that some inquiries must, in justice to me, be instituted in the course of a short time, I take leave to suggest that the immediate investigation into all the circumstances attending the preparation of the patents by the Members of the Royal Commission, at the instance of his Excellency the Governor-in-chief, will have the effect of doing full justice to me, and of furnishing His Majesty's Ministers with the information that may enable them to meet the inquiry in the House of Commons.

I have, &c.

(signed) *William B. Felton.*

No. 20.

Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

(Enclosure 14, in No. 20.)

LETTER from *W. B. Felton*, Esq., to *C. R. Ogden*, Esq., Attorney-general.

Sir,

Quebec, 5 May 1836.

Enclosure 14.

I HAVE received your letter of yesterday, in which you inform me that Mr. Secretary Walcott, referring to the despatch of Mr. Spring Rice, of the 29th of October 1834, desiring the Governor to call upon me for the surrender of certain lands to my children, requests you, "as the proceedings which have been already had in this matter appear not to have had the desired result," to place yourself in communication with me on the subject, with a view to the adoption of such measures as may in your opinion be necessary for giving immediate and full effect to the determination of His Majesty's Government, as expressed in the despatch; and in which you request that I will inform you, at my earliest convenience, whether I will yield immediate compliance with the expressed desire of the Secretary of State. In reply, I beg leave to remark, that as far as I am concerned, the wishes of His Majesty's Government have been fully complied with, and I only await their determination as to the price to be paid for the excess of land to complete the purchase according to my offer, which I understood to have been accepted by the late Governor-in-chief, under the advice of the Executive Council. At the same time, as nothing conclusive has been done as yet, I am perfectly willing to accede to any other measure that may be more agreeable to his Excellency the Governor-in-chief, in the spirit of ready compliance with the desire of His Majesty's Government that I have repeatedly expressed. I presume, from the tenor of your letter, that you expect me to propose some plan for effecting the object which the Government appears to have in view,—that is, the absolute re-investment of the lands in the Crown; and, in consequence, I suggest for your consideration the following arrangement:

Of the nine children to whom grants were made, one is deceased, and two are of age, the portion of the deceased descending to one of the parties who is of age, so that three portions can be immediately reinstated in the Crown by the act of the grantees or their heir; and I propose to procure the surrender of these three portions direct to the Crown, the consent of the parties being conveyed in the accompanying letters. In respect to the remaining six portions which belong to the minors, I am advised that the safest and most immediate course to adopt is, by proceedings in court on a writ of *scire facias*, wherein the fact of error in the preparation of the patent is the averment. To this measure I shall be ready to afford every assistance, and, if necessary, to give my testimony as to the facts therein stated.

Should you be of opinion that my guarantee of a future surrender of the minors' portions would be preferable to the proposed proceedings, I am equally ready to adopt that course. In this case, I suppose that you will require me to bind myself to procure the surrender of each portion within a limited time after the grantee comes of age, under a penalty for the due performance of the engagement; and that I shall mortgage a specified real estate sufficient to cover the penalty. In such case, the value of the property may be estimated at the highest price at which land has been sold in the neighbouring townships. If the principle of either of these suggestions meet your approbation, I shall be ready to enter into further details whenever it may suit your convenience.

I have, &c.

(signed) *William B. Felton*.

(Enclosure 15, in No. 20.)

LETTER from *W. Locker Felton* to the Attorney-general.

Sir,

Quebec, 6th May 1836.

Enclosure 15.

I ENGAGE to surrender to the Crown the lots of land in the township of Orford, granted to me as one of the children of Mr. Felton; and also the lots of land in the said township, granted to my deceased sister, Anna Felton, and which have descended to me; all the said lots being included in the same patent from the Crown, dated the 30th November 1830, whenever I may be required to do so by His Majesty's Government.

I have, &c.

(signed) *W. Locker Felton*.

(Enclosure 16, in No. 20.)

LETTER from *Eliza M. Felton* to the Attorney-general.

Sir,

Quebec, 6th May 1836.

Enclosure 16.

I ENGAGE to surrender to the Crown the lots of land in the township of Orford, granted to me as one of the children of Mr. Felton, in a patent from the Crown, dated the 30th November 1830, whenever I may be required so to do by His Majesty's Government.

I am, &c.

(signed) *Eliza M. Felton*.

—No. 21.—

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

No. 21.
Despatch from
Lord *Glenelg* to
the Earl of *Gosford*,
1 July 1836.

My Lord,

Downing-street, 1 July 1836.

I HAVE the honour to acknowledge the receipt of your despatch of the 11 May, announcing the steps which you had taken for carrying into effect Mr. Spring Rice's instructions of the 29 October 1834, relative to the large quantity of land obtained by Mr. Felton in his own name, and in the names of his children. I beg to express to your Lordship my approbation of the firmness and impartiality with which you appear to have acted in Mr. Felton's case. In the present imperfect state of the question I have no further instructions to convey to your Lordship respecting it, but I propose again to communicate with you on the subject when the result of your measures for the recovery of the land shall be finally ascertained.

I have, &c.

(signed) *Glenelg*.

LOWER CANADA.

CORRESPONDENCE between the SECRETARY
OF STATE for the COLONIES and the GOVERNORS
of Canada and Mr. W. B. FETTON, relative to Lands
granted to the said W. B. FETTON.

(A continuation of Paper presented 4 March 1836, No. 7b.)

(Mr. Roebuck.)

Ordered, by The House of Commons, to be Printed,
27 July 1836.

LOWER CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 30 June 1836;—for,

COPY of the FOURTH REPORT of the STANDING COMMITTEE of GRIEVANCES
made to the Assembly of *Lower Canada*, respecting the Conduct of Lord Aylmer
while Governor-General of that Province.

Colonial Department, }
12 Aug. 1836. }

G. GREY.

House of Assembly, Lower Canada, Sess. 1835-6.

FOURTH REPORT OF THE STANDING COMMITTEE OF GRIEVANCES.

YOUR Committee, in conformity to the instruction of your Honourable House, “to inquire into the Proceedings adopted by either House of the Imperial Parliament of Great Britain and Ireland, relative to the Petitions addressed by this House and by the People of this Colony to His Majesty and the said Parliament, in the year 1834, on the state of this Province,” have agreed to the following Report:

That it appears by a Message transmitted during the last Session of the Provincial Parliament to your Honourable House by the late Governor-in-Chief, that a Select Committee was appointed on the 15th April 1834, by the Honourable the House of Commons, “to inquire into and to report to the House how far the Grievances complained of in the year 1828, on the part of certain inhabitants of Lower Canada have been redressed, and the recommendations of the Committee of that House which sat thereupon have been complied with on the part of His Majesty's Government; and to inquire into the matters of certain other Grievances not then brought under the consideration of this House, but now set forth in the Resolutions of the House of Assembly of Lower Canada in the present Session; and to report their opinion thereupon to the House.”

That the Petitions of your Honourable House, and of the people of this Province, were presented, in the course of the month of May following, to the House of Commons by Messrs. Roebuck and Hume, and referred to the Committee above mentioned, who examined several witnesses on the matters referred, (among others A. N. Morin, Esq., a member of your Honourable House, who was deputed to carry those petitions to England and to support the same,) and considered various letters and despatches which passed between the Colonial Office and the Governors of this province since the year 1828, and finally reported on the 3d July 1834.

Copies of the said Report, of the various letters and despatches laid before, and of the evidence taken by the Committee, will be found annexed.

These important documents refer principally to the financial affairs of this province, to the independence of the judges, and to petitions of your Honourable House to His Majesty, complaining of grievances during the administrations of Sir James Kempt and Lord Aylmer, a period comprising the colonial administrations of Sir George Murray, Lord Viscount Goderich, Mr. E. G. (now Lord) Stanley, and a short part of Mr. Spring Rice's.

To the instructions of the first-named of these Colonial Secretaries, on the subject of finance, and the rights and privileges of your Honourable House to control and regulate the expenditure of the public revenue raised in this province, contained in a despatch dated 29th September 1828, your Committee attribute in a great degree the harmony which reigned in this colony during the administration of Sir James Kempt,

The claims of the preceding administration to be independent of the representatives of the people is formally discountenanced in this despatch, where it is positively laid down that the "Executive Government of Lower Canada cannot be relieved under the existing law, from the virtual dependency upon the Assembly by any constitutional means; and methods of a different nature must not be resorted to."

The pertinacity with which the Provincial Government and an irresponsible branch of the Legislature, supported the odious administration of the Earl of Dalhousie, and the unconstitutional pretensions of that nobleman, are noticed in terms of direct disapprobation.

"I would wish to impress upon your Excellency," says Sir George Murray in his despatch above mentioned, "and through you upon the members of the Provincial Government, and more especially upon the Executive and Legislative Councils, the necessity of cultivating a spirit of conciliation towards the House of Assembly, and of terminating those dissensions with which the province has so long been agitated."

The primary cause of those dissensions, the actual vicious constitution of the Legislative and Executive Councils of this province did not escape the observation of Sir George Murray: "The constitution of the Legislative and Executive Councils is another subject," remarks the same despatch, "which has undergone considerable discussion. * * * You will therefore have the goodness to report to me whether it would be expedient to make any alteration in the general constitution of those bodies."

The opinion of Sir James Kempt on this important question does not appear among the documents printed for the use of the Committee; but it cannot be considered strange that the character and constitution, especially of the Legislative Council, had fallen into contempt, when that body is found opposing, in the year 1826, a Supply Bill, the principles and passage of which they had sanctioned in the preceding year, 1825, and again in 1829 passing a Supply Bill drawn up on the same principles and in the same terms as that which they rejected in 1826.

The administration of Sir James Kempt closed in October 1830, when Lord Aylmer was unfortunately appointed to administer the affairs of this province. The promises which the Colonial Minister held out to the people during the administration of Sir James Kempt, were repeated at an early period by Lord Aylmer after he succeeded to the government of the province. It will be seen, however, that he was at the same time actively engaged in endeavouring to counteract the favourable intentions of His Majesty's Government. From official documents which your Committee have examined, it appears that the late Governor-in-Chief was guilty, so far back as the commencement of the first session of the fourteenth Provincial Parliament (anno 1831, the first session which he opened) of a gross violation of duty, and of direct disobedience of the instructions of the Colonial Minister, in withholding from your Honourable House, contrary to the express commands of the Secretary of State for the Colonies, information on matters of a pecuniary nature which was transmitted to his Lordship to be communicated to your Honourable House.

In the sessions of 1829 and 1830, your Honourable House objected to and refused to vote certain items of expenditure including in the estimates of those years. Those items (16 in number), amounting to 7,533*l.* 6*s.* 6*d.*, are annexed to a despatch from Lord Viscount Goderich to Lord Aylmer, dated Downing-street, 1st December 1830 (No. 2), and are ordered to be omitted in the estimate to be thereafter proposed. By reference to the message sent down by the late Governor-in-Chief, dated 14th February 1831, in which Lord Aylmer professed to communicate the instructions which he received from His Majesty's Government, and to the statement annexed to the estimate which was transmitted with that message, it will be found that items to the amount of 6,381*l.* 13*s.* 4*d.* only are omitted, and that no mention is made, either in the message or in the statement, of item No. 16, intituled "Sundry Items of Contingent Expenses, amounting to 1,351*l.* 13*s.* 2*d.*," expressly mentioned in the Colonial Secretary's despatch of the above date, and ordered to be omitted.

Shortly after this the attention of your Honourable House was called by message to the final adjustment of the question of Finance, and a Civil List of 19,500*l.* sterling, divided into three classes, viz., "Executive, Judiciary, Pensions and Miscellaneous," was demanded.

In a despatch, dated 24th December 1830 (No. 5), conveying the instructions of the Secretary of State for the Colonies on this subject, the Colonial Minister says :

“ It only now remains for me to state, that the duration of the civil list may be either for the life of His Majesty, or for some definite term of years, not under seven, as may be more agreeable to the Provincial Legislature.”

Your Honourable House will learn with surprise that almost the first act of the late Governor-in-Chief, after he had arrived in this province and put himself in communication with the Provincial Parliament, was to mutilate this despatch of the King's Minister, and to suppress all mention of the alternative offered as to the duration of the proposed civil list. In the above despatch, Lord Viscount Goderich plainly states that the civil list may be either for the life of the King or for seven years, “ as may be more agreeable to the Provincial Legislature.”

In the message of the 23d February 1831 (in which Lord Aylmer professed to have communicated His Majesty's commands, and to have obeyed the instructions he had received,) “ it is proposed that the duration of the civil list should be for the life of His Majesty.”

Not the slightest allusion or reference to a civil list “ for seven years” is made by Lord Aylmer in his message.

Two days after the above message was sent down to your Honourable House, to wit, 25th February 1831, another message was received from the head of the executive; enumerating certain branches of revenue comprised under the head “ Casual and Territorial Revenues of the Crown,” which it was deemed expedient to exempt from the operation of the proposed financial arrangement.

These important messages having been referred by your Honourable House to a Special Committee, information of a more detailed and particular nature was deemed necessary to enable the Committee to come to a proper conclusion on the matters referred, and various addresses, dated 1st March 1831, were presented in consequence from your Honourable House, demanding that information; amongst others, for a detailed statement of the intended application of certain items accompanying his Excellency's estimate, under the heads “ Pensions and Miscellaneous,” in class No. 3; also, for a detailed statement of the intended future application of the income arising from the rents of the Jesuits' estates, the land fund, the timber fund, and the other heads of revenue classed in the message of the 25th February as belonging to the casual and territorial revenue; and a third, “ for copies of any despatch or despatches, or of such instruction or instructions as his Excellency may have received from His Majesty's Government concerning the financial affairs of this province,” referred to in the above messages.

In reply to the first of these addresses, Lord Aylmer answered that it was not in his power to communicate the statement required, “ not being in possession of the necessary information,” as far as the item “ Miscellaneous” was concerned. This answer was not correct, Lord Viscount Goderich having distinctly stated in his despatch of the 24th December 1830 (No. 5), that the miscellaneous item was to meet “ unforeseen contingencies.”

In reply to the second address, Lord Aylmer gave for answer: “ I cannot take it upon myself to say what may be the future intentions of His Majesty's Government with regard to the appropriation of those branches of revenues;” yet at the moment he made this answer, giving to understand that he had no means of furnishing the required information in detail, his Lordship was in possession of the despatch of the Colonial Minister, of the 24th December 1830 (No. 6), an extract of which follows, and which enters into a most particular detail of the future appropriation of those revenues.

EXTRACT of a Despatch from Lord Viscount Goderich to Lord Aylmer, dated Downing Street, 24th December 1830 (No. 6).

According to the accounts transmitted to this country from Lower Canada, it appears that the casual and territorial revenue was composed of the following items in the year 1829:—

Gross revenue of the Jesuits' estates	-	-	-	-	-	-	-	£. 2,000
Rent of King's posts	-	-	-	-	-	-	-	1,200
Forges of the St. Maurice	-	-	-	-	-	-	-	500
Rent of King's wharf	-	-	-	-	-	-	-	351
Droits de Quint	-	-	-	-	-	-	-	965
Lods et Ventes	-	-	-	-	-	-	-	3,265
Land fund	-	-	-	-	-	-	-	1,800
Timber fund	-	-	-	-	-	-	-	1,150
								£. 11,231

From this sum should be deducted the revenues of the Jesuits' estates, which being regularly applied to the purposes of education, cannot properly be diverted from that object. I must, however, remark that the expense of collecting it (between 500 *l.* and 600 *l.*) bears a large proportion to the total amount of the revenue received, and that it ought to be reduced within the smallest possible compass at as early a period as is practicable.

The remainder of the casual and territorial revenue may be estimated at rather more than 9,000 *l.*; and if from this item there be deducted the expense of collection and management, amounting probably to 1,500 *l.* or thereabouts, there will be at the disposal of the Government the sum of about 7,500 *l.*, more or less, liable to some increase, I would hope, from the double operation of diminished expense in the collection, and increased receipts from some of the items.

The first item to which it will be obviously proper to apply this fund, will be that portion of the provision for the clergy of the Established Church which has hitherto been paid either out of the army extraordinaries, or the funds of the commissary-general. Nothing can be more unseemly or objectionable than such a mode of meeting that charge; nothing more correct than placing it on the casual and territorial revenue. You will, therefore, pay the stipends contained in the enclosed list (now charged, as far as I can make out, on the army extraordinaries,) out of that fund, and adding thereto the sum of 1,000 *l.* to the Roman Catholic Bishop of Quebec, and 500 *l.* divided between the different Presbyterian ministers in the province, the whole charge under the head of religious services will amount to 6,850 *l.* There will then remain a sum of about 950 *l.*; but I do not think it would be prudent to place, at present, any fixed charge upon the surplus, in order that there may be always some reserve in hand to meet unforeseen contingencies.

Whether it would be possible to induce the Legislature (or prudent to attempt it,) to take upon the provincial funds the charge of the Roman Catholic Bishop, I cannot undertake to say, and I must leave it to your discretion to decide upon that question on the spot. If, however, it should be practicable to relieve the casual revenue from that charge, or if any circumstance should increase its disposable amount, then it would be desirable that such disposable increase should be applied to the payment of an equivalent portion of the charge for the Church of England, now defrayed by the Society for the Propagation of the Gospel, out of the annual vote of the British Parliament.

I have, &c.

(signed) *Goderich.*

SALARIES and ALLOWANCES to the Clergy of Lower Canada, exclusive of the Allowances from the Society for the Propagation of the Gospel:—

	£.	s.	d.
Lord Bishop of Quebec - - - - -	3,000	—	—
Archdeacon of Quebec - - - - -	650	—	—
Minister of Trinity Chapel, Quebec - - - - -	200	—	—
Rector of Montreal - - - - -	300	—	—
— Three Rivers - - - - -	200	—	—
— William Henry - - - - -	150	—	—
— Durham - - - - -	100	—	—
— Chatham - - - - -	100	—	—
— Caldwell Manor - - - - -	100	—	—
— St. Armand - - - - -	100	—	—
Evening Lecturer at Quebec - - - - -	150	—	—
— Montreal - - - - -	150	—	—
Verger of Quebec - - - - -	30	—	—
Rent of Protestant Burial Ground - - - - -	20	18	6
	£.	5,250	18 6
Presbyterian Minister, Quebec - - - - -	50	—	—
— Montreal - - - - -	50	—	—
Additional Allowance to Presbyterian Ministers - - - - -	500	—	—
Roman Catholic Bishop, Quebec - - - - -	1,000	—	—
TOTAL - - - - -	£.	6,850	18 6

This despatch is not and cannot be considered confidential, inasmuch as the first part of it was embodied in the message of the 25th February 1831; the latter and most important part, for reasons best known to his Lordship, was most cautiously suppressed, and refused to be communicated to your Honourable House, as will be seen by the answer to the third address, in which his Lordship stated that those despatches are intended for his own information and guidance, in the confident expectation that the commands of His Majesty will be executed with fidelity. An idea of the "fidelity" with which the commands of His Majesty were executed will best be formed by a recollection of the above facts: The total suppression by his Lordship of all allusion to the alternative offered by His Majesty of accepting a civil list "for seven years." His statement that he was not in possession

sion of the information required as to the "Miscellaneous Items," whilst Lord Goderich's despatch contained that information; and finally, his representing that it was not in his power to explain in detail the intentions of His Majesty's Government relative to the proposed appropriation of the casual and territorial revenue, when, at the same time, the Colonial Secretary's despatch of the 24th December 1830 (No. 6), furnished the most explicit details. Notwithstanding these repeated instances of disobedience of His Majesty's commands, and the refusal of information demanded by your Honourable House, and which it was in his Lordship's power to furnish, Lord Aylmer most unwarrantably gives it as his opinion, in a despatch which he addressed to the Colonial Secretary, 4th March 1831, that the Assembly "can never at any future period complain of a want of plain-dealing on the part of the executive government upon this occasion." The facts of the case prove that upon this occasion the late Governor-in-chief has been guilty of most unfair dealing towards your Honourable House.

Your Committee cannot proceed further in their Report without most distinctly, emphatically and firmly protesting, as well against the doctrine laid down in the Lord Viscount Goderich's despatch of the 24th December 1830, relative to the casual and territorial revenue (No. 6), as against the distribution of those revenues which his Lordship proposed in that despatch.

By a message from his Excellency Lord Dorchester, then Governor-in-chief, dated 29th April 1794, the whole of the casual and territorial revenue was expressly stated to have been "most graciously ordered by His Majesty to be applied towards defraying the civil expenses of the province," in lieu of which a sum of 5,555 *l.* 11 *s.* 1 *d.* currency was granted to His Majesty in 1795, without limitation, to defray the expenses of the administration of justice and of the civil government in this province. The Colonial Minister, therefore, had no grounds to support the claim which he made to the disposal of those revenues, and much less was he authorized to distribute them as he proposed.

On the continent of America the principle has long ago been established, that no particular religious establishment ought to have exclusively the protection of, or derive pecuniary support from, the Government, as the interests of religion are only injured when connected with the State. That no man ought in any way be called on to support religious teachers of whose ministry he does not partake, or be subject to any inferiority on account of his creed.

The proposed distribution therefore of the casual and territorial revenue among the clergy of the Protestant Episcopal and Presbyterian churches, or among the clergy of any other religious denomination, would tend only to the final injury of religion, and was unjust in principle, and contrary to the pledged faith of the Government.

Upon the review of the whole of the proceedings had in 1831 on the financial question, your Committee are of opinion that His Majesty's Government must ascribe any unsatisfactory issue of those proceedings to the unconstitutional pretensions which it put forth, and to the unfair conduct of its agent, the late Governor-in-chief, in withholding from the knowledge of your Honourable House information transmitted to him by the King's Government to be communicated to your Honourable body.

In the course of the Session of 1831, your Honourable House, having taken into consideration the various abuses then existing in this province, and the manifold grievances oppressing His Majesty's subjects, passed, on the 8th of March of that year, a series of resolutions setting forth their complaints, which resolutions were embodied in a petition to the King and the other branches of the Imperial Parliament.

The petition to the King was forwarded on the 6th of April following, and accompanied by a despatch from Lord Aylmer to the then Colonial Secretary, commenting on the several complaints preferred by your Honourable House. It is with much pain and regret that your Committee find, on perusal of this despatch, that the person appointed by His Majesty to administer the affairs of this province, and to be a channel of communication between your Honourable House and the King, mistook on this occasion his position, and forgot the high duties which he was called on to perform impartially and for the good alone of His Majesty's subjects. Instead of supporting the constitutionally-expressed demands of the representatives of the people of this province, Lord Aylmer abused his office; endeavoured to prevent in many respects the prayer of the petition of your Honourable House from being granted, or to have it granted in such an ungracious

manner as would be considered only a new insult and attack on the character and privileges of your Honourable House.

In order to explain these allegations, it is necessary to state that in the course of the Session of 1831, your Honourable House presented an address to the head of the Executive, demanding that the proper officers should be directed to lay before your Honourable House certain statements in detail of the receipts and expenditure of the Jesuits' estates: Lord Aylmer refused complying with the prayer of this address. In calling the attention of the Colonial Secretary in the despatch last mentioned to that part of the petition to His Majesty in which reference is made to the Jesuits' estates, Lord Aylmer recommends that the whole of the accounts of the receipts and expenditure of those estates should be annually published, not through the medium of your Honourable House, the only constitutional channel through which the same should be made public, but by insertion in a weekly newspaper called the *Official Gazette of Quebec*. The insult which Lord Aylmer recommended the Colonial Secretary to offer to your Honourable House in this instance, justly called down upon his Lordship the mild but pointed reproof of Lord Viscount Goderich, the then Secretary of State for the Colonies, who, in a despatch, dated Downing-street, 7th July 1831, expresses his regret that Lord Aylmer should have withheld those accounts from your Honourable House; disavows at the same time every wish for concealment, and instructs his Lordship "to lay these accounts, in the most complete detail, at the commencement of the then next Session, and to supply the House of Assembly with any further explanatory statements which may be required respecting them."

It is to be regretted that His Majesty's Government should have stopped short in their desire to be just, and retained up to this day the Jesuits' college for the use of His Majesty's troops. By an examination of Lord Aylmer's despatch of the 6th April 1831, your Committee find that this ungracious and narrow act was suggested by the late Governor-in-chief, who represented that "should His Majesty think fit to waive his exclusive right to those estates, it would be advisable to retain possession of a building situated in the city of Quebec," (meaning the Jesuits' college, now occupied as a barrack for soldiers), "as the relinquishment of this college would entail considerable expense and inconvenience to the public service."

Your Committee deem it unnecessary to expose all the instances in which the representations made by your Honourable House in the petition in question, were opposed by the late Governor-in-chief; they will be seen by reference to the despatch in question. But your Committee cannot forbear directing the attention of your Honourable House to that part of the despatch which refers to the complaints against the judges for interfering or taking an active part in the political affairs of the province.

The late Governor-in-chief recommended that those complaints "might be left to the discretion of the person at the head of the Government, who, should he witness any instance of such conduct, would, of course, take such steps as the circumstances of the case might appear to him to require."

After a declaration such as this, His Majesty's Government and the people of this province were naturally to expect that, however difficult it might have been to remedy the past, the judges would be directed and obliged to abstain for the future from the indecent practice of meddling in the political affairs of the province; the public would be relieved from having to repeat their complaints on this subject; and your Honourable House would have been spared the task of protesting against the continuance of such a practice, and of prosecuting and demanding the removal from office of partizan judges. But so far from this being the case, a desire not only to prevent the full correction of those abuses, but to increase them, has, in the opinion of your Committee, guided the late administration in its policy. Grave accusations were brought against a judge, whose oppressive conduct had roused his victims to demand justice. Your Honourable House had on two several occasions resolved that the said judge had been guilty of high crimes and misdemeanors, and he ought to be removed from the bench. Of such facts the late Governor-in-chief was not ignorant, yet it has come to the knowledge of your Committee that so far from taking the steps necessary to deprive the individual referred to (Mr. Justice Fletcher) of the office and trust which it has been proved he so flagrantly abused, Lord Aylmer, so late as year 1834, invited the said Mr. Justice Fletcher to accept the higher, more honourable, and more responsible charge of Judge of the King's Bench of the district of Montreal.

Again,

Again, in the year 1833 the Legislative Council of this province voted unanimously a most calumnious Address to His Majesty, ascribing to your Honourable House designs and intentions of a most dishonourable and unnatural nature. That address was concurred in, among others, by the Honourable Jonathan Sewell, chief justice of the province. Yet, notwithstanding His Majesty's Principal Secretary of State for the Colonies, in a despatch of the 8th February 1831, recommended to that officer "a cautious abstinence from all proceedings by which he might be involved in a contention of a party nature," and notwithstanding the late Governor-in-chief, in his despatch of the 6th April 1831, pledged himself that "should he witness any instance of judges engaging themselves, or taking part in the political differences of the province, he would of course take such steps as the circumstances of the case might appear to him to require," it does not appear that Lord Aylmer took any steps to prevent or to punish the interference of Mr. Chief Justice Sewell, in this instance, in political affairs.

As successor to Mr. Justice Uniacke on the bench of the Montreal district, the late Governor-in-chief chose a violent partizan of one of the most detestable administrations that ever this province was afflicted with. The then Secretary of State for the Colonies, the Right Honourable Mr. Spring Rice, as appears by a despatch laid before your Honourable House, dated Downing-street, 11th November 1834, "feeling it to be of the highest importance that no persons who can be considered as strong political partizans should be placed on the bench of Lower Canada," refused to sanction that appointment in consequence of "the line adopted by Mr. Gale (the person in question), before the Committee of 1828, and his connexion with the measures of those times;" Lord Aylmer, nevertheless, disobeyed the orders of His Majesty's Ministers, and retained Mr. Gale on the bench, in direct contradiction to the commands of his superior, transmitted to that effect.

But even these, numerous though they be, are not all the instances in which the late Governor-in-chief broke his own pledges, falsified his own declarations, and set at nought the commands of the King, his master.

The chief justice of the province having been incapacitated by ill health from attending in his place as Speaker of the Legislative Council, in the session of 1834, Lord Aylmer appointed to that situation the Honourable Mr. Bowen, one of the judges of the district of Quebec, and thus dragged back to the political arena from which he had for several years retired, one of the judges of the land, contrary to the recommendation of a Committee of the House of Commons; contrary to the orders of the King's Ministers, who expressly stated in the said despatch of the 8th February 1831, "That it was desirable that they (the judges,) should be exempted from all temptation to interfere in political controversies, and even from a suspicion of such interference;" and contrary to the pledge which His Lordship himself had given in his despatch of the 6th April 1831, already referred to.

This plain statement of facts requires no commentary from your Committee; it will show the manner in which this province has been governed for many years; the policy of which it has been the victim; and will prove that the late Governor-in-chief, even when he professed to be guided only by friendship for the people of the colony, and by justice and impartiality, was not only doing all in his power to obstruct and prevent any redress of grievances, but was also actively engaged in adding to their number.

In the next session of the Provincial Parliament (1831-32) the negotiation for a civil list came before your Honourable House in a new shape.

In the preceding session the civil list was divided into three classes, and amounted to 19,500 *l.*, but the Legislature was required to provide only for the sum of 14,500 *l.*, 5,000 *l.* having been permanently granted by the 35th Geo. 3, towards the maintenance of the civil government.

In the session of 1831-32, the demands contained in the civil list were divided into two distinct and separate measures, pursuant to instructions contained in despatches, dated Downing Street, 8th February 1831, and 29th September following. The first of these demands was for the passing of a Bill to secure the independence of the judges, and to render their salaries permanent.

A civil list amounting to 5,900 *l.*, to pay the salaries of the Governor, the Civil Secretary, the Provincial Secretary, the Attorney and Solicitor General, was next demanded for the life of the King. By those two measures, from 17,900 *l.* to 19,900 *l.* was demanded for the salaries of the judges and other officers, a sum which exceeded the demand of the preceding year by from 3,000 *l.* to 5,000 *l.*

The first of those demands was complied with by your Honourable House, and a Bill was passed by the Legislature of this province to secure the independence of and to make permanent provision for the judges, thereby providing for a portion of the civil list, demanded in 1831, to the amount of from 12,000 *l.* to 14,000 *l.*

The failure of the other demand, viz., for a permanent appropriation of 5,900 *l.* was mainly owing to the irregular and unprecedented conduct observed on the occasion by the late Governor-in-chief.

His Lordship was well aware, by a report agreed to by your Honourable House and communicated to His Lordship, that your Honourable House had declined in 1831 making any further permanent provision for the provincial government, in consequence, among other reasons, of the inadmissible pretensions of the Crown to the exclusive disposal of the casual and territorial revenue. Notwithstanding this declaration on the part of your Honourable House, all information as to whether the Government persisted in its claim to the exclusive control and disposal of those revenues, was studiously withheld. Your Honourable House had already granted from 12,000 *l.* to 14,000 *l.* to defray the judges' salaries; and without any explanation as to the pretensions of the Crown relative to the casual and territorial revenue, your Honourable House was called on to grant another sum of 5,900 *l.* Instead of furnishing the requisite information on this head, the late Governor-in-chief adopted the unprecedented and unparliamentary proceeding of writing a letter to the executive officer in charge of the measure, threatening the members of your Honourable House that, unless the civil list was voted, his Lordship would not assent to any Bill providing an indemnity for the members, thus precluding at once the representatives of the people from entertaining any proposition to which such dishonourable conditions were annexed.

What were the representations made to His Majesty's Government by the late Governor-in-chief on this occasion? Instead of frankly communicating to His Majesty's Ministers the causes which led your Honourable House to decline acceding to the proposed civil list; instead of recommending His Majesty's Ministers to give up to the constitutional control of your Honourable House the revenues in dispute; instead of candidly stating that his Lordship did not furnish the necessary explanations as to the claims of the Government to the disposal of certain revenues; that he had, on the contrary, adopted the indecent and unparliamentary course of menacing the members of the Assembly, his Lordship observed a careful, premeditated, and disingenuous silence on these causes, and called on His Majesty's Government to make a firm stand, and assert their claim to the proposed civil list; representing at the same time the respectability, the numbers, and talents of the minority, forgetful of the fundamental and plainest principles of a representative government, that the opinions of the majority and not those of the minority should be the guide of the executive.

After a due examination of the proceedings in the session of 1831-32, on the question of a proposed "civil list," as it is improperly called, your Committee are of opinion that besides the just grounds and weighty considerations which could well induce your Honourable House not to depart from that sound policy which has also almost universally prevailed in all British colonies, to provide for the necessary expenses of government, not permanently, but for short periods only, it is plain that the unbecoming, irregular, and unparliamentary conduct observed by the late Governor-in-chief, precluded your Honourable House from entertaining for a moment the proposed measure.

The session of 1832-33 opened under gloomy prospects. Continued bad government, and increased grievances in the administration of the affairs of the province; the unconstitutional and improper connexion between the executive, judicial, and the legislative authorities; the abuse of that irresponsible power with which the several authorities in this colony are unfortunately invested; the neglect on the part of the King's Ministers to apply a practical and efficient remedy to those grievances, together with the violent, unjust, and oppressive conduct of the late Governor-in-chief, had created universal discontent, and the people of the colony, almost weary of hoping, became clamorous for justice. In this state of things, your Honourable House exercising your constitutional, undoubted, and exclusive right and privilege "to direct, limit, and appoint, in Bills for granting aids and supplies to the Crown, the end, purposes, considerations, conditions, limitations and qualifications of such grants, which cannot be changed or altered elsewhere," annexed to several of the items in the Supply Bill certain conditions, with a view to abolish pluralities, and to prevent incompatible offices from being filled by the

same

same individuals. This Supply Bill was thrown out on the 23d March 1833, in the Legislative Council by a majority composed of placeholders, dependents, and expectants on the Executive Government, whose pecuniary interests and expectations were immediately and directly affected by the votes of your Honourable House.

On the day after the Bill was thus disposed of, the late Governor-in-chief addressed a despatch to the Colonial Secretary, dated Castle of St. Louis, 29th March 1833, in which his Lordship attempted to persuade the Colonial Minister to violate the Act passed in the 1 & 2 Will. IV. c. 23, and to withdraw or contradict an opinion which the Secretary of State had previously pronounced on the 29th September 1831, in favour of the rights of your Honourable House to the exclusive control of the proceeds of the 14 Geo. 3, c. 88.

By the 1 & 2 Will. IV. c. 23, it was distinctly enacted, that all the monies to arise from the duties levied by virtue of the 14 Geo. 3, should be appropriated in such manner, and to such purposes, as the Provincial Legislature might deem meet; and in order to remove all doubt or misunderstanding as to the intention and meaning of His Majesty's Government in introducing, supporting and sanctioning that Act, Lord Goderich informed Lord Aylmer, in a despatch, dated 29th September 1831, with which he transmitted a copy of the Act in question, that although his Lordship "had been compelled hitherto to deny the Assembly's pretensions to the 14 Geo. 3, henceforward the same objection could not be of course insisted on."

Unwilling, however, to acknowledge the rights of your Honourable House, and desirous to divest the representative branch of the Legislature of that salutary control over the public revenue with which it is constitutionally clothed, the late Governor-in-chief had recourse to falsehood, in order to induce His Majesty's Government to countenance his illegal views.

In the first place he pretended, in a despatch of the 29th March 1833, addressed to Lord Viscount Goderich, then Secretary of State for the Colonies, utter ignorance of the views of His Majesty's Ministers, as to the construction of the 1 & 2 Will. IV. c. 23; a reference to Lord Goderich's despatch of the 29th September 1831, above quoted, will prove that there was no foundation in truth for their pretended ignorance; for in that despatch he is distinctly informed, that henceforward he could not object to the claim of your Honourable House to the proceeds of the 14 Geo. 3. As the object, however, of the late Governor-in-chief was not to obey the law, or the King's instructions, but to evade both, and to induce the King's Government into sanctioning his unlawful views, he next called on the law officers of the Crown and the King's counsel in this province, a class of men who have hitherto, with but few exceptions, been notorious for supporting the pretensions of an irresponsible Executive, for their authority to violate the law and to disobey the King's instructions. As may be expected from their servility and subserviency, those authorities almost unanimously gave it as their opinion, "that in the event of the three branches of the Legislature of the province not concurring in regard to the disposal of the revenues raised under the Act of the 14 Geo. 3, the provisions of that Act came into full operation in like manner as if the Act of the 1 & 2 Will. IV. c. 23, had never existed, enjoining the Lords of the Treasury to appropriate those revenues to the expenses of the civil government of the province, and to account to the Imperial Parliament for the overplus, if any should remain after providing for those expenses."

The plot to abstract the proceeds of the 14 Geo. 3, from the public chest, against the letter and spirit of the law, supported though it was by the pliant and corrupt tools of a wicked administration, did not succeed. The late Governor-in-chief was shortly afterwards virtually censured by the Secretary of State, who directly discountenanced, on the part of His Majesty's Government, the projected spoliation, and Lord Aylmer's ignorant advisers received a severe rebuke, by having their want of knowledge exposed, and their ignorant opinion utterly disavowed.

"Having," says the Right Honourable Mr. Stanley, in a despatch to Lord Aylmer, dated 6th June 1833, "referred to the law officers of the Crown your Lordship's despatch of the 29th March last (No. 30,) with reference to the absolute or conditional surrender by the 1 & 2 Will. IV. c. 23, of the revenues raised under the 14 Geo. 3, c. 88. I have to acquaint you that those officers are of opinion that the effect of the Act 1 & 2 Will. IV. c. 23, is at once, from the time of the passing of the Act, and without qualification, to place at the disposal of the Legislature of the province the appropriation

of those Revenues which the previous Act of 14 Geo. 3, had raised and placed at the disposal of the Government through the medium of the Treasury; any application, therefore, by the Treasury of those revenues which have accrued due since the passing of the Act 1 & 2 Will. IV. c. 23, appears to be no longer in the power of the Lords of the Treasury, or in any other of the officers of the Crown; and if it shall be thought advisable to resort to the provisions of the Act 14 Geo. 3, it cannot be legally done without a repeal of the Act 1 & 2 Will. IV. c. 23."

Not satisfied with thus endeavouring to dispose of a part of the public revenue, not only without, but against law, Lord Aylmer next attempted to destroy the most important of the privileges of a representative branch of the Legislature; by rendering the public servants independent of your Honourable House. With this view he applied to the then Colonial Minister in the early part of 1833, to authorize an issue from the military chest, of a sum sufficient to defray the services left unprovided for in consequence of the wanton rejection by the Legislative Council of the Supply Bill passed by your Honourable House. Notwithstanding the strong recommendation of his Lordship to adopt this unconstitutional measure, the Colonial Minister, (the Right Honourable E. G. Stanley), "felt it to be his duty" to withhold his sanction from such a proceeding; and to the confusion of the corrupt and obnoxious administration of that day, and its guilty advisers, marked a second second time with his disapprobation improper recommendations and illegal pretensions of the late Governor-in-chief.

Early in the succeeding Session of 1834, Lord Aylmer had again recourse to his usual practice of mutilating the despatches received from the King's Minister, and of communicating only such curtailed and partial extracts as in his opinion approved of his conduct, or tended to convey a censure on your Honourable House; whilst he unwarrantably and unjustly suppressed every passage which he found corroborative of the constitutional principles by which your Honourable House was guided in your proceedings.

On the 13th January, 1834, the late Governor-in-chief transmitted a message to your Honourable House relating to the failure of the Supply Bill of the preceding year. In this message the late Governor-in-chief professed to communicate the views of the Secretary of State, relative to certain "conditions" which your Honourable House, in the exercise of your constitutional and undoubted privileges, thought fit to annex to certain items in that Bill; and gave it to be understood as the opinion of the Colonial Minister, that your Honourable House, in annexing these conditions, had gone beyond your attributes.

To those conversant with Parliamentary history and the rights of the Commons House of Parliament in granting money, as insisted upon and regulated by the British House of Commons, so far back as 1678, it was a matter of surprise to be given to understand that a British Minister could be ignorant of the long established, incontrovertible, and well-defined rights of the representatives of the people in money matters; but your Committee have since discovered that the late Governor-in-chief mutilated the despatch of the Colonial Minister; for so far from pretending that the practice of annexing conditions to money votes, adopted by your Honourable House, was unconstitutional or improper, the Colonial Secretary frankly admitted, in his despatch of the 6th June 1833, that such practice is a matter of constant occurrence in the Colonies and in Parliament.

"In so far," says the Colonial Secretary, "as the Supply Bill imposed upon the different grants it contained, conditions of a pecuniary nature for the performance of specific services in return for the sums voted, they were not unconstitutional in substance. It is a matter of constant occurrence in the Colonies, and as I conceive in Parliament, that in voting money for the public service, stipulations of this nature should be made for the public benefit."

In communicating the opinion of the Secretary of State contained in the despatch of the 6th June 1833, to your Honourable House, the late Governor-in-chief with his usual bad faith carefully suppressed the above important passage.

A system of misrepresentation and premeditated deception which Your Committee have just exposed, uninterruptedly continued for five years, could not fail to embroil your Honourable House with His Majesty's Ministers, to shake the confidence of His Majesty's subjects in the justice of His Majesty's Government, and to plunge this province in confusion from one extremity to the other.

To be relieved from the misgovernment and oppression which proceeded from such a state of things, your Honourable House and the people of this province
appealed

appealed once more to the Imperial Parliament. The Report, Evidence, and documents hereunto annexed, are the fruit of that appeal.

From a careful examination of those despatches and documents, and a faithful comparison thereof with the various messages and other communications made by the late Governor-in-chief to your Honourable House in His Majesty's name, your Committee are of opinion that Matthew Whitworth Lord Aylmer, late Governor-in-chief of this province, has grossly abused the authority and trust reposed in him by the King his master, and been guilty of high crimes and misdemeanors.

That he has been in the constant practice of mutilating and curtailing various despatches, transmitted to him by the King's Ministers, before communicating the same to your Honourable House, thereby wilfully misrepresenting and perverting the views of the King's Government.

That he has flagrantly and repeatedly disobeyed the King's instructions.

That he has frequently, to the injury of the interests of the province, refused to communicate, or falsely denied that he had information with which your Honourable House, with a view to promote the public service, requested to be furnished.

That he has wilfully and maliciously deceived the King's Government as to the views, opinions and wishes of your Honourable House, representing His Majesty's subjects in this province.

That he has attempted at sundry times to destroy the constitutional and inherent privileges of the representative branch of the Legislature of this province.

That he has, by wicked and evil counsel, attempted to mislead, and actually did mislead, the servants of the Crown on matters touching the welfare of this province and the rights and liberties of the good people thereof, thereby endangering the safety and connexion of this colony as a dependency of the British Crown.

The whole nevertheless humbly submitted.

(signed)

E. B. O'Callaghan, Chairman.

29th January 1836.

House of Assembly, Tuesday, 23 February 1836.

Resolved,—That this House doth concur in the Fourth Report of the Standing Committee of Grievances.

Attest,

Wm. B. Lindsay Clk. Assy.

LOWER CANADA.

COPY of the FOURTH REPORT of the STANDING
COMMITTEE of GRIEVANCES made to the Assembly
of *Lower Canada* respecting the Conduct of
Lord *Aylmer*, while Governor-General of that
Province.

(*Mr. Robuck.*)

Ordered, by The House of Commons, to be Printed,
16 August 1836.

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UPPER AND LOWER CANADA (INDIAN DEPARTMENTS).

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 15 April 1836;—for,

COPY of the INSTRUCTIONS addressed to the Governors of *Upper* and *Lower*
Canada, relative to the EXPENDITURE incurred on account of the Indian
Departments in those Provinces.

Colonial Office,}
21 April 1836.}

C. GREY.

Lord *Glenelg* to the Earl of *Gosford*, &c. &c.

[A similar Despatch was addressed to Sir *F. B. Head*, Lieutenant-Governor of
Upper Canada, with the exception of the paragraphs within brackets, in pages
2 & 3, which were omitted in the Instructions to Upper Canada, and the
Paragraphs in the margin inserted in lieu thereof.]

MY LORD,

Downing-street, 14 January 1836.

I HAVE the honour to inform your Lordship, that I have recently had under
my consideration the subject of the expenditure incurred by this country on
account of Indians in the Provinces of Upper and Lower Canada. My attention
has at the same time been directed to a Resolution adopted, during the last
Session of Parliament, by the Committee of the House of Commons on Military
Expenditure in the Colonies, the terms of which Resolution were as follows:—

“Resolved, That the Committee are of opinion, from the evidence taken, and
to which they refer, that the Indian Department may be greatly reduced, if not
altogether abolished; and they therefore call the attention of the House to the
same, and also to the expense of articles annually distributed to the Indians, and
whether any arrangement may not be made to dispense with such distribution
in future, or to commute the presents for money.” With reference to this
Resolution, I proceed to communicate to you the views which I have been led to
adopt by an examination of all the information recorded in this department on
the subject to which it relates.

The annual expenditure incurred by this country on account of Indians in
Upper and Lower Canada has been limited, since the year 1830, to 20,000 *l.*;
of this sum, 15,850 *l.* has been considered applicable to the purchase of presents,
and 4,150 *l.* to the pay and pensions of the Indian Department.

Deferring, for the present, any observation on this latter branch of the expen-
diture, I feel bound, after much consideration, to express my opinion, that the
time is not yet arrived at which it would be possible, consistently with good
faith, altogether to discontinue the annual presents to the Indians. It appears,
that although no formal obligations can be cited for such issues, there is yet
ample evidence, that on every occasion when this country has been engaged in
war on the North American continent, the co-operation of the Indian tribes has
been anxiously sought, and has been obtained. This was particularly the case
in the years 1777 and 1812; and I am inclined to believe that it is from these
periods respectively that the present annual supplies date their commencement.
But without attempting to pursue that inquiry, it is sufficient to observe, that the
custom has now existed during a long series of years; that even in the absence
of any original obligation, a prescriptive title has thus been created; that this
title has been practically admitted by all who have been officially cognizant of
the matter, and that all agree in stating that its sudden abrogation would
lead to great discontent among the Indians, and perhaps to consequences of
a very serious nature.

individuals now on the establishment of the Indian Department, with a view to the consideration of any claim which they may have to remuneration in the event of their services being discontinued. In the mean time you will not consider yourself at liberty to fill up any vacancy which may occur in the establishment. As it is not possible that I should receive your Lordship's answer to this despatch, before the period at which it will be necessary to lay upon the Table of the House of Commons, the Colonial Estimates for the year 1836-7; it is not my intention to make any reduction in the sum to be required for the ensuing year. But it will, at the same time, be distinctly intimated to the House of Commons, that the vote is only taken provisionally, that steps are in progress for ascertaining the practicability of immediate reductions in the expenditure on account of Indians, and that His Majesty's Government entertain a confident hope that they will not be compelled in future years to make so large a demand for this service upon the liberality of Parliament.

I have, &c.
(signed) *Glenelg.*

UPPER AND LOWER CANADA,
(INDIAN DEPARTMENTS.)

COPY of the INSTRUCTIONS addressed to the
Governors of *Upper and Lower Canada*, relative
to the EXPENDITURE incurred on account of the
Indian Departments in those Provinces.

(*Sir George Grey.*)

Ordered, by The House of Commons, to be Printed,
27 April 1836.

ORANGE LODGES, CANADA.

RETURN to An ADDRESS of the Honourable The House of Commons,
dated 28 July 1836;—for,

A COPY of any DESPATCHES addressed to the Governors of *Upper* and *Lower Canada* respecting ORANGE LODGES; the Date of Arrival of those Orders there; and the ANSWERS, if any, received from such Governors:—Also, a Copy of the ADDRESS of the House of Assembly of *Upper Canada* to the Governor respecting ORANGE LODGES, and his ANSWER thereto.

Colonial Department, Downing-street, }
9 August 1836. }

G. GREY.

CIRCULAR TO THE COLONIES RESPECTING ORANGE LODGES.

COPY of a Circular DESPATCH, addressed by Lord *Glencly* to the Governors of His Majesty's Colonial Possessions, dated Colonial-office 27th February 1836. (Forwarded to the Governor of Lower Canada and Lieutenant-governor of Upper Canada, by the Halifax Packet of the 3d of March 1836.)

I HAVE the honour to transmit herewith, for your information, the copy of a Resolution agreed to by The House of Commons on the 23d instant, on the subject of Orange Lodges, and other similar societies; together with a copy of the Answer which His Majesty was graciously pleased to return to the Address presented in pursuance of the above Resolution.

I have, &c.
(signed) *Glencly*.

Mercurii, 24^o die Februarii, 1836.

Resolved, That an humble Address be presented to His Majesty, praying that His Majesty will be graciously pleased to take such measures as to His Majesty may seem advisable, for the effectual discouragement of Orange Lodges, and generally of all political societies, excluding persons of a different religious faith: using secret signs and symbols, and acting by means of associated branches.

Jovis, 25^o die Februarii, 1836.

Answer to Address 23 February reported as follows:

WILLIAM R.

I WILLINGLY assent to the prayer of my faithful Commons, that I will be pleased to take such measures as may seem to me advisable for the effectual discouragement of Orange Lodges, and generally of all political societies, excluding persons of a different religious faith, using secret signs and symbols, and acting by means of associated branches.

It is my firm intention to discourage all such societies in my dominions, and I rely with confidence on the fidelity of my loyal subjects to support me in this determination.

W. R.

Note.—The date of the arrival of the above circular in the provinces of Upper and Lower Canada is not known, but the receipt of it was acknowledged by the Earl of Gosford upon the 17th of May, and by Sir F. Head on the 27th May 1836. No reply has been received from either province.

ADDRESS OF ASSEMBLY OF UPPER CANADA RESPECTING ORANGE LODGES.

The Address of the House of Assembly of Upper Canada to the Lieutenant-Governor, and his Reply thereto, relative to Orange Lodges, have not been officially transmitted to the Colonial Department; but the following Proceedings thereon have been extracted from the Votes of the Assembly, Session 1836.

4th April 1836.—Pursuant to the order of the day, the address to his Excellency the Lieutenant-Governor for information on the law relating to public processions was read a third time and passed, and is as follows:

To his Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, respectfully request that your Excellency will be pleased to direct to be laid before this House without delay the opinions of His Majesty's Attorney and Solicitor Generals how far the laws in force in this Province are calculated, if rigidly enforced, to put down public processions likely to endanger the public peace, and whether in their opinion it is necessary to pass a law to prohibit all processions having such a tendency; and that your Excellency will be pleased to inform the House whether the Government of this Province have taken, or determined to take, any steps to prevent or discourage public processions of Orange Societies, or to discourage the formation or continuance of such societies.

Commons House of Assembly, }
4 March 1836.

(signed) *Marshall S. Bidwell*,
Speaker.

On the motion of Mr. Parke, seconded by Mr. M'Intosh, ordered, That Messrs Small and Wells be a Committee to wait upon his Excellency the Lieutenant-Governor, to know when he will be pleased to receive the address of this House, and to present the same.

7 April 1836.—Mr Small, from the Committee to wait upon his Excellency the Lieutenant-Governor with the address of this House on the subject of Orange Processions, reported delivering the same, and that his Excellency had been pleased to make thereto the following answer:

Gentlemen,

I herewith transmit to you, according to the request of the House of Assembly, the opinion of His Majesty's Attorney and Solicitor General, on the subject of Orange Processions.

The government of this province has neither taken, nor has it determined to take, any steps to prevent or discourage the formation or continuance of such societies.

I have no hesitation, however, in saying, that I consider all factious combinations as hostile to the real interests of this country; but unless they proceed to acts of violence or intimidation, I consider that a forced remedy might prove worse than the disease itself.

OPINION of His Majesty's Attorney and Solicitor General, on the subject of
Orange Processions.

Toronto, 6 April 1836.

WE are of opinion that all "processions likely to endanger the public peace," and "all processions having such a tendency," are illegal, and may be suppressed by civil authority. Persons engaged in the processions of the description mentioned, are liable to be prosecuted for a misdemeanor. It may be sometimes difficult to determine what processions are, in themselves, illegal, or have a tendency to a breach of the peace, and it therefore must rest with the Legislature to decide how far it is expedient to pass a law to suppress public processions of every description. All which is respectfully submitted.

Robert S. Jameson, Attorney-general.
Christopher A. Hagerman, Solicitor-general.

ORANGE LODGES, CANADA.

COPIES of DESPATCHES addressed to the Governors
of *Upper and Lower Canada* respecting ORANGE
LODGES.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
16 August 1836.

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AMERICAN PROVINCES.

RETURN to an Order of the Honourable The House of Commons,
dated 9 August 1836;—for,

A RETURN of the EXPENSES paid in each Year for carrying into effect the
STIPULATIONS of the CONVENTION at *London*, on the 27th September 1827,
relative to the BOUNDARIES of the United States of *America* and His Majesty's
British American Provinces, under the 5th Article of the Treaty of *Ghent*.

										£.	s.	d.	
Year	-	-	-	1829	-	-	-	-	-	-	2,860	3	7
"	-	-	-	1830	-	-	-	-	-	-	4,903	5	2
"	-	-	-	1831	-	-	-	-	-	-	3,539	8	4
"	-	-	-	1832	-	-	-	-	-	-	1,147	8	9
"	-	-	-	1833	-	-	-	-	-	-	361	7	2
"	-	-	-	1834	-	-	-	-	-	-	502	4	5
"	-	-	-	1835	-	-	-	-	-	-	505	13	2
"	-	-	-	1836 (to 12 August)	-	-	-	-	-	-	262	10	-

Foreign Office, }
12 August 1836. }

J. Backhouse.

AMERICAN PROVINCES.

A RETURN of the EXPENSES paid for carrying into effect the stipulations of the CONVENTION at *London*, on the 27th September 1827, relative to the Boundaries of the United States and the *British American* Provinces.

(*Mr. Hume.*)

*Ordered, by The House of Commons, to be Printed,
19 August 1836.*

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CAPE OF GOOD HOPE :
CAFFRE WAR AND DEATH OF HINTZA.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 8 March 1836;—for,

COPIES or EXTRACTS of any DESPATCHES which have been received from,
or addressed to, the GOVERNOR of the *Cape of Good Hope*, relative to the late
CAFFRE WAR, and to the Death of *Hintza* :—Also, Copies of the INSTRUCTIONS
given to the LIEUTENANT-GOVERNOR of the FRONTIER DISTRICTS.

Colonial Department, Downing-street, }
10 March 1836.

G. GREY.

(*Mr. Buxton.*)

Ordered, by The House of Commons, to be Printed,
30 May 1836.

[*Price 2s. 3d.*]

SCHEDULE.

- 1.—Copy of a Despatch from Governor Sir B. D'Urban to Mr. Secretary Spring Rice, dated Graham's Town, 27 February 1835; (Eleven Enclosures) - - - - - p. 3
- 2.—Ditto - - - ditto - - - ditto - - - to the Secretary of State, dated Graham's Town, 19 March 1835; (Four Enclosures) - - - - - p. 10
- 3.—Ditto - - - ditto - - - ditto - - - to the Earl of Aberdeen, dated Graham's Town, 19 June 1835; (Twenty-two Enclosures) - - - - - p. 15
- 4.—Copy of a Letter from Governor Sir B. D'Urban to the Earl of Aberdeen - - - p. 58
- 5.—Copy of a Despatch from Lord Glenelg to Governor Sir B. D'Urban, dated Downing-street, 26 December 1835 - - - - - p. 59
- 6.—Copy of a Despatch from Governor Sir B. D'Urban to the Earl of Aberdeen, dated Graham's Town, 6 July 1835; (One Enclosure) - - - - - p. 73
- 7.—Copy of a Letter, marked private, from ditto to Mr. Under Secretary Hay, dated Graham's Town, 4 September 1835; (Five Enclosures) - - - - - p. 75
- 8.—Copy of a Despatch from ditto to Lord Glenelg, dated Graham's Town, 22 October 1835; (One Enclosure) - - - - - p. 81
- 9.—Ditto - - - ditto - - - ditto - - - to ditto, dated Cape of Good Hope, 7 November 1835; (Twelve Enclosures) - - - - - p. 86
- 10.—Ditto - - - ditto - - - ditto - - - to ditto, supplementary to the preceding Despatch, dated Port Elizabeth, 12 November 1835 - - - - - p. 108
- 11.—Copy of a Despatch from Lord Glenelg to Governor Sir B. D'Urban, dated Downing-street, 17 February 1836; (Two Enclosures) - - - - - p. 109
- 12.—Copy of a Letter, marked private, from Governor Sir B. D'Urban to Mr. Under Secretary Hay, dated Port Elizabeth, 12 November 1835; (Three Enclosures) - - - p. 112
- 13.—Copy of a Letter from Lord Glenelg to the General Commanding-in-chief, dated Downing-street, 3 February 1836 - - - - - p. 114
- 14.—Copy of a Letter from the General Commanding-in-chief to Lord Glenelg, dated Horse Guards, 11 February 1836 - - - - - p. 116
- 15.—Copy of a Despatch from Lord Glenelg to Lieutenant-Governor Stockenstrom, dated Downing-street, 5 February 1836 - - - - - p. 116
- 16.—Copy of a Letter from the Rev. Jabez Bunting to James Stephen, Esq., dated Wesleyan Mission House, 77, Hatton Garden, London, 9 January 1836; (One Enclosure) p. 119

— No. 1. —

Copy of a DESPATCH from Governor Sir B. D'Urban to Mr. Secretary
Spring Rice.

No. 1.

Sir B. D'Urban
to Mr. Sec. Spring
Rice; 27 Feb. 1835.

Sir,

Graham's Town, 27 February 1835.

WITH reference to my despatches of the 21st and 30th of last month respectively, I proceed to have the honour of acquainting you with what has since occurred upon this frontier, and with our present circumstances.

Hereupon I will request you, for the more full understanding of the present subject, to have reference to Lord Charles Somerset's despatches of the years 1819–1820, to those of General Bourke and Sir Rufane Donkin, and especially to the long and detailed reports of Sir Lowry Cole, all of which, I am aware, are in the records of the Colonial Office.

In the first days of the present month the Caffre chiefs Pato, Congo and Kamer (brothers, occupying the country between the Beeka and Lower Keishkamma), who had already given strong proofs of their adherence to the colony, and especially by protecting the missionary institution at Wesleyville (about 20 miles beyond the Keishkamma), with many traders who had fled thither for refuge, placed in my hands the second brother, Congo, as a hostage for their future fidelity, and he has remained since at my head quarters.

These chiefs have also since, by my desire, and at considerable risk to themselves, escorted all the members and inhabitants of that institution (at a time when I considered their safety very precarious) into the colony, and placed them in security.

Matua and Tenta, two brothers of the chiefs Tyalie and Macomo (the principals of the league against the colony), came in by their own choice, with the missions of Lovedale and Burnshill (adverted to in my last despatch), and are also here; they were suspected by their brothers of an attachment to the colonists (from having, I believe, lived a good deal with the missionaries), and apprehended their lives to be in danger.

Early in the month, Colonel Somerset had effectually cleared the districts of the Zuurberg and Oliphant's Hock from the Caffres who had remained there, and driven them over the Great Fish River; but at the same time I had become aware that a very considerable force of Enno's, Bothman's, and Dushamie's tribes (and perhaps some others also) had lodged themselves in the woody fastnesses between that river and the Keishkamma, a very strong and impervious country, probably with the object (as in the former war of 1819) of concealing themselves there, awaiting the advance of our troops into Caffreland, and then, having suffered these to pass, enter the colony behind us, for the purposes of farther ravages, or act upon our communications, either or both of which measures would so have been in their power.

It became of paramount importance, therefore, to expel them from these fastnesses, and to clear the ground of them, between the Fish and Keishkamma rivers, before our advance beyond the latter; and for this purpose I placed a force under the direction of Colonel Smith, the general scope of whose movements was, to cross the Fish River at a ford called Trumpeter's Drift, with the centre of his division, while a detachment of it, under Lieutenant-Colonel England, should cross at Commatty's Drift on his left, and Colonel Somerset's corps (which, returning from the operations in Oliphant's Hock, was conveniently placed for the purpose) on the right of Caffre Drift; and thus, the flanking corps bending inwards, and co-operating with the centre, would embrace the whole ground occupied by the enemy, and drive him out of it; the nature of the movement also being such as would, to a great degree, intercept his retreat over the Keishkamma.

This operation was successfully carried into effect by Colonel Smith on the 11th and 12th, and finished on the 14th and 15th instant, and I cannot speak too highly of Colonel Smith's conduct and ability through the whole of it, or of that of the troops under him. The nature of this service, with my opinion of the merits of all concerned, will be best explained by the enclosed Notices Nos. 1, 2, which I issued in the Government Gazette of the colony, and by the General Order No. 3, which, in justice to the officers and troops employed, I gave out upon this occasion; No. 4 is a list of the killed and wounded, which is small compared with the difficulties of the enterprise, considering the determination of the Caffres, who are no longer the

See Parliamentary
Paper, No. 252,
ordered to be
printed 1st June
1835, page 131.

Nos. 1, 2.
No. 3.
No. 4.

No. 1.

Sir B. D'Urban
to Mr. Sec. Spring
Rice; 27 Feb. 1835.

sort of enemy they were in 1819, either in the nature of their arms, or in their military skill and arrangement; they have now many muskets among them, whereas formerly they had only the assagai (javelin), and their movements are all directed with no ordinary military combination.

A little after the period of these operations, Captain Armstrong's post upon the Kat River was obstinately attacked, and in considerable force, and the enemy were completely defeated and driven back.

No. 5.

No. 6.

The circumstances of the last operation, with its results, and my opinion thereon, will be best explained to you by the enclosed Notice, which I caused to be issued in the Government Gazette of the colony, and the General Order which I gave out in justice to Captain Armstrong, and the force under him, to whom their defence was very honourable.

The troops have all resumed their cantonments in and about this town, with the exception of Colonel Somerset's corps, which has been placed upon the ground from which the enemy had been expelled, on the right bank of the Keishkamma, from above the Guanga to Fort Willshire, and communicating on his right with the friendly tribes of Pato and Kaina, extending from the Beeka to the sea.

With reference to my despatch of the 21st of last month, I have since been proceeding with the organization of a force, at once to advance into Caffreland, and to provide a sufficient defence for the frontier during my absence; and with the necessary measures of relief and support to the destitute inhabitants.

* See my Despatch
of 21 January,
Parliamentary
Paper, No. 252,
ordered to be printed,
1 June 1835,
page 131.

These combined objects will*, as I had foreseen, and unavoidably, incur an immense expenditure; since the troops, regulars as well as burghers, with a large proportion of the population, who would otherwise actually die of hunger and want of all comfort, have to be supported by commissariat supplies, brought at an enormous expense, not only of original cost, but of transport, from a distance of 600 miles by sea-carriage, and of 100 miles of land-carriage afterwards. Upon all this subject you will, I trust, confer with the Lords of His Majesty's Treasury.

The expense already incurred by Colonel Smith at the time of my arrival here had been very great, and, I am bound to say, absolutely necessary; and especially in the purchase of horses, upon which alone depended the recovery of the country overrun by the Caffre parties, and by the unsparing use of which he had mainly been enabled to clear it.

No. 7.

No. 8.

The Colonel's letter, in laying an aggregate statement of the expenditure on this head before me, of which I enclose a copy, will best explain to you the imperative necessity under which he had ordered these purchases; and his orders for regulating them would seem to have been well calculated to ensure all due care and economy.

I considered it necessary, however, to put a stop to any further purchase of horses immediately after my arrival.

No. 9.

The distribution made of those purchased is transmitted in the Enclosure No. 9. and although the maximum of respective prices is small, the aggregate amount has been large, as I have said, but I do not think that it could have been avoided.

No. 10.

No. 11.

With reference also to my despatch of 21st January, and to the paramount reasons therein given, I have used every endeavour to collect Hottentots, and have proceeded to embody three troops, to be provisionally attached to the existing three troops of the Cape Mounted Rifles, as in arrangement No. 10†, and two provisional battalions of colonial infantry, as in No. 11.

I have endeavoured to render these of as little expense as possible, by placing in them officers, as far as it has been practicable, from the half-pay, or (as in one or two instances) taken from His Majesty's regiments serving here, where they could be spared, by which the half-pay in one instance, and the pay before accruing to them in the other, will be respectively saved to the public. The men, for the present, and until His Majesty's pleasure be known, receive no pay, thus only costing to government their rations and clothing.

These troops will be very soon fit for service, but I apprehend I shall have great difficulty in procuring the numbers I had adverted to in my despatch of the 21st of January; at present I have little hope of raising them above 400 rank and file each battalion.

I am endeavouring by every possible care to lessen the current expenditure; and I shall as soon as I can, with any regard to humanity, cease to maintain the inhabitants; at present it is impossible.

I have, &c.
(signed) B. D'Urban.

† This corps, the only cavalry in the colony, and for the defensive observation of this extensive frontier, the opposite border of which has been all along lined with savages, was previously, as will be seen by the Enclosure A. less than 200 rank and file.
(signed) B. D.

(A.)

STATE of the CAPE MOUNTED RIFLES, in December 1834.

DISTRIBUTION.	Field Officers.	Captains.	Subalterns.	Staff.	Serjeants.	Buglers.	Rank and File.	Horses.
Graham's Town - - -	- - -	- - -	- - -	- - -	- - -	- - -	12	12
Fort Beaufort - - -	1 - -	- - -	2 - -	3 - -	7 - -	2 - -	82	64
Fort Willshire - - -	- - -	- - -	1 - -	- - -	1 - -	1 - -	25	28
Caffre Drift - - -	- - -	1 - -	- - -	- - -	1 - -	1 - -	34	22
Kat River - - -	- - -	1 - -	- - -	- - -	2 - -	1 - -	41	36
Gualana Post - - -	- - -	- - -	- - -	- - -	1 - -	1 - -	18	20
Hermann's Kraal - - -	- - -	- - -	- - -	- - -	1 - -	- - -	6	7
Cape Town - - -	- - -	- - -	- - -	- - -	1 - -	- - -	6	8
TOTAL - - -	1	2	3	3	14	6	224	197

(signed) M. H. O'Reilly.

(Enclosure 1, in No. 1.)

NOTICE.

Head Quarters, Graham's Town, 13th February 1835.

A REPORT, dated head of the Guahga, three miles N. E. of Mount Somerset, 4 A.M., 13th February 1835, has been just received by the Governor and Commander-in-chief, from Col. Smith, commanding the troops employed to clear the fastnesses of the Fish River bush of the Caffres who had assembled there, in which the Colonel says as follows: "The troops under my command effected their combined and concentrating movement upon the enemy's position between the Trumpeter's and Committy's Drifts, on the Fish River, yesterday the 12th instant. The attack commenced at daylight in the morning, at five different points, and I am rejoiced in being able to acquaint your Excellency that the result of these operations has been most successful. The enemy has left 73 killed on the field, and his wounded must be very considerable; upwards of 2,000 head of cattle have fallen into my hands, and some herds of goats and sheep." The Colonel was preparing to pursue his operations, praises all the troops, and speaks in the highest terms of the new Hottentot levies. Our loss has been five killed and eight wounded, amongst these no officers are stated.

Encl. 1, in No. 1.

By his Excellency's command,

W. H. Dutton, Military Sec.

(Enclosure 2, in No. 1.)

NOTICE.

Head Quarters, Graham's Town, 16th February 1835.

WITH reference to the Notice of the 13th instant, the Governor and Commander-in-chief has the satisfaction to announce, that the continued operations of Colonel Smith have since been crowned with complete success.

Encl. 2, in No. 1.

On the night of the 14th, and in the course of the 15th instant, the Caffre tribes of Eno, Botma, Dushanie, and some of that of Macomo, were expelled from the remaining fastnesses into which they had retired on the evening on the 12th, and driven altogether over the Keishkamma.

Their aggregate loss in killed and wounded has been very great. Ours has amounted in the whole of these operations to 12 killed and 11 wounded.

The cattle which have fallen into our hands since the 12th amount to above 4,000 head, with large quantities of sheep and goats, and some horses.

Colonel Smith, who has conducted this necessary and important enterprise with consummate ability, vigour and resolution, praises all the officers and troops employed, whether regulars, burghers or Hottentot levies; to use his own expression, "there has not been a man who did not well and cheerfully do his duty," and assuredly, through the whole of this arduous service, in which they have driven a determined enemy from strong holds of great difficulty, and peculiarly favourable to his mode of fighting, patiently enduring great fatigue in a suffocating climate, and suffering from an unavoidable scarcity of water, they have never ceased to display an unflinching and persevering intrepidity and determination of purpose of which it is impossible to speak too highly.

The wounded are doing well; and all the troops, with the exception of the necessary posts for securing the advantages thus gained, are on march returning to head quarters.

By command of his Excellency,

W. H. Dutton, Major, Military Secretary.

No. 1.
Sir B. D'Urban
to Mr. Sec. Spring
Rice; 27 Feb. 1835.

(Enclosure 3, in No. 1.)

GENERAL ORDERS.

Head Quarters, Graham's Town, 18th February 1835.

Encl. 3, in No. 1.

1. THE Commander-in-chief congratulates Colonel Smith and the officers and troops under his orders* upon the complete success which has crowned their recent operations, and by which the necessary and important object has been attained of driving the hostile tribes from the woods and fastnesses of the Great Fish River.

2. This enterprise was one of no ordinary difficulty; the enemy was numerous, well-armed with muskets, and determined to hold his ground, which, from the rugged and thickly-wooded ravines, was singularly favourable to his peculiar mode of fighting. The heat of the climate was suffocating in the woods, the unavoidable scarcity of water distressing, and the movements necessarily laborious and fatiguing; nevertheless, the able dispositions of the officer commanding, the prompt and exact execution of his orders by those who led the different columns, and the unswerving and persevering energy of the officers and troops, triumphed over all obstacles, and the enemy were routed everywhere, and driven from their strongholds and over the Keishkamma, with a great loss in killed and wounded, and of all their possessions in cattle, of which 4,000 head, with large quantities of sheep, goats, and some horses, fell into our hands.

3. It is very gratifying to the Commander-in-chief to have learned, from Colonel Smith's report of his proceedings, that "every officer and man employed in the achievement of this important service has, throughout it, well and cheerfully done his duty."

4. The Commander-in-chief desires to offer the expression of his full approbation, and of his thanks, to Colonel Smith, for his able dispositions, and for the active and successful energy with which he carried them into effect. To the Colonels Somerset and England, who so well and efficiently conducted the flanking columns; to the Majors Gregory of the 98th, McLean of the 72d, and Cox of the 75th; to Captain Hallifax of the 75th; to the Lieutenants Levinge of the Royal Artillery, Mont. Williams of the Royal Engineers, and Sutton of the 75th regiment; to Captain Bagot late of the 47th regiment; to Lieutenant Ross of the Cape Mounted Rifles; to the Field-Commandants Rademyer and Pinnaar, (the first of the George, the second of the Graaff Reinet Burghers,) to Mr. Howell of the Port Elizabeth Burghers, to Assistant-surgeon Ford of the 72d regiment, and to all the officers and troops engaged, regulars, burghers and Hottentot levies, all of whom have behaved admirably, the Commander-in-chief gives his thanks, and the assurance of his high sense of their services.

H. G. Smith, Colonel,
Chief of the Staff.

(Enclosure 4, in No. 1.)

RETURN of KILLED, WOUNDED and MISSING of His Majesty's Troops, and of the Colonial Burgher Force, under the Command of Colonel Smith, C. B. in Action with the Enemy, from the 11th to the 15th February 1835.

Regiments and Corps.	KILLED.			WOUNDED.			MISSING.			TOTAL.		
	Officers.	Ser-jeants.	Rank and File.	Officers.	Ser-jeants.	Rank and File.	Officers.	Ser-jeants.	Rank and File.	Killed.	Wounded.	Missing.
72d Highlanders	-	-	4	-	-	3	-	-	-	4	3	-
75th Regiment	-	-	1	-	-	-	-	-	-	1	-	-
Cape Mounted Rifles	-	-	-	-	-	1	-	-	-	-	1	-
Burghers	-	-	8	-	-	8	-	-	-	8	8	-
TOTAL										13	12	-

Head Quarters, Graham's Town, }
16 February 1835.

H. G. Smith, Colonel,
Acting Deputy Adjutant-General.

(Enclosure 5, in No. 1.)

NOTICE.

Head Quarters, Graham's Town, 26th February 1835.

Encl. 5, in No. 1.

REPORTS have been received by the Governor and Commander-in-chief from Captain Armstrong, commanding on the Kat River, and from Field-commandant Van Wyk, commanding the burgher force in the Koonap and Winterberg.

On

* Consisting of detachments of the Royal Artillery, Royal Engineers, 72d Highlanders, 75th Regiment, Cape Mounted Rifle Corps, Albany Sharpshooters, Hottentot Sharpshooters, Burghers of Uitenhage, Burghers of George, Burghers of Graaff Reinet, Provisional Companies of Cavalry attached to Cape Corps, Port Elizabeth Yeomanry.

On the 19th instant, Captain Armstrong's post was attacked on all sides by numerous bodies of Caffres, who were everywhere defeated, and fled, leaving many dead and wounded, without carrying off a single head of the cattle of the settlement, the possession of which was doubtless one of their main objects.

The foresight of Captain Armstrong in anticipating this attack, the able dispositions which he made to meet it, and his cool determination throughout its progress, have been alike conspicuous. He praises the conduct of all under his orders, not only of the Cape mounted rifle corps (whose courage and firmness have been so often proved), but very highly so of the local force of the settlement under field-cornet Groepe, and of the Beaufort levy, under Major Blakeway, field-commandant Van Wyk, who upon the first alarm, had hastened with great promptness to bring up his mounted burgher force to the support of Captain Armstrong, followed the flight of the defeated enemy, and ascertained that they had retreated to the country about the confluence of the Zwart, Kaie River, with the White Kaie.

From the lower Keishkamma and Fish Rivers, (the country from which the enemy has been recently expelled by the operations under Colonel Smith,) Colonel Somerset, commanding the troops left there, reports, that having carefully patrolled it throughout, there are no Caffres remaining in it, they having all fled beyond the Buffalo River, so that the whole frontier line of the colony is now cleared from the hordes of savages which had infested it.

The Rev. Mr. Brownlee, the missionary, lately stationed on the Buffalo River, has escaped, and arrived in the colony; and the Wesleyville Missionary Institution, with several traders and other persons, to the number of 100, who had joined it, have been safely brought in also, under the care of the friendly chiefs Pato and Kama, whom the Governor had engaged to perform this service, and who have executed it very much to his satisfaction. These chiefs have indeed shown great fidelity and steadiness of adherence to the colony throughout the late occurrences.

By Order of his Excellency the Commander-in-Chief.

W. H. Dutton, Major, Military Secretary.

(Enclosure 6, in No. 1.)

GENERAL ORDERS.

Head Quarters, Graham's Town, 26th February 1835.

1. THE Commander-in-Chief requests to thank Captain Armstrong of the Cape mounted rifles, commanding on the Kat River, for his gallant defence of his post, against the numerous hordes of Caffres who attacked it on all sides on the 19th instant, who were everywhere defeated, and fled, leaving many dead and wounded.

2. The foresight with which Captain Armstrong anticipated this attack, his able dispositions to meet it, and the cool determination with which he carried them into successful execution, have been alike conspicuous, and are most honourable to him.

3. Captain Armstrong praises all the troops under his orders, not only the Cape mounted rifle corps (whose courage and firmness have been proved so often), but also the Kat River local force under field-cornet Groepe, and the new Beaufort levy under Major Blakeway, who all behaved steadily and bravely, and to whom the Commander-in-Chief desires to return his thanks.

4. His Excellency also desires to express to field-commandant Van Wyk, the high sense which he entertains of his ready promptness in bringing up at the first alarm the valuable aid of his mounted burghers to the support of Captain Armstrong.

(signed) *H. G. Smith*, Lieutenant-Colonel,
Acting Deputy Adjutant-General.

(Enclosure 7, in No. 1.)

Sir,

Head Quarters, Graham's Town, 29 January 1835.

IN reference to my letter to your Excellency of the 18th of January, in which I endeavoured to explain to you, in the fullest and most detailed manner, the exposed state in which I found the country upon my arrival, on the evening of the 6th instant, to assume the command, I have the honour herewith to transmit the items of expenditure for the purchase of horses for the use of the army, which amount, I am well aware, to a considerable sum, but your Excellency's own observation since your arrival so completely puts you in possession of the necessity there existed for the prompt and vigorous measures, which the peculiar warfare in which I was engaged compelled me to adopt, and the unqualified approbation which you have been so kindly pleased to express, that it rests for me only to lay before you the manner in which I was enabled to procure horses for the purposes set forth in my letter, before alluded to, of the 18th instant, and I herewith enclose a general frontier order published by me upon the subject. The individuals whom I authorized to purchase horses were restricted to a price of from 80 rix dollars (6*l.*) to 150 (11*l.* 5*s.*). The animals purchased were approved by Brigademajor O'Reilly, sent to the depôt, and I appropriated them for the various services required, to the Cape Corps Cavalry, many of whose horses were totally worn out from fatigue, and to mount a corps of Hottentots, of 150 of the most useful men that ever formed a part of any army; by them I was enabled to communicate with the various and distant posts, upon a line of country extending from the mouth of the Fish and Keishkamma rivers,

No. 1.
Sir B. D'Urban
to Mr. Sec. Spring
Rice; 27 Feb. 1835.
Encl. 5, in No. 1.

Encl. 6, in No. 1.

Encl. 7, in No. 1.

No. 1.
 Sir B. D'Urban
 to Mr. Sec. Spring
 Rice; 27 Feb. 1835.
 ———
 Encl. 7, in No. 1.

by the Winter and Storm bergs, up to the Brak River, a distance of 250 miles; and my operations extending over a surface of 10,000 square miles, the number of horses which have been inevitably and unavoidably knocked up and left upon the road have been considerable. Your Excellency too is well aware that the late continuance of wet weather has been very destructive to our mounted force. This enormous extent of country I held alone by military force, and by occupying it by detached parties of infantry, and the armed burghers, not one of which I could communicate with but by an escort of from 10 to 15 men, the number dependent on the part of the country most inundated by the remorseless savage. The happy results of these measures your Excellency's personal observation has already put you in possession of. It is necessary, therefore, for me alone to state, that the Cape Corps Cavalry has by a remount been rendered highly efficient; that a provisional corps of Hottentots of 150 men and horses are in the field; that I have three guns of the royal artillery completely horsed, 50 of the 75th Regiment well mounted as tirailleurs; that I have in the depôt for horses 130 effective, and about 50 at the sick depôt, exclusive of about 40 in possession of officers of the army, employed on special missions, and assisting in the organization of the burgher force, or patrolling for the purpose of obtaining information of the enemy. The 130 in the depôt are to supply and mount the additional force to the 150 Hottentots already in the field, and to replace many horses which must be cast when our outposts are called in and our invading force collected, organized and rendered efficient. The purchase of horses I have suspended for the present. It may be necessary to state, that the little horse of this part of the country, although both hardy and spirited in dry weather, becomes a totally different animal in wet, and falls off in condition to an almost incredible degree, and the young grass now springing up will reduce their condition still more, when it is utterly impossible to supply forage, corn or hay.

I ought to mention to your Excellency, that although the maximum of 150 rix dollars (11*l.* 5*s.*) was established, there are some few instances in which a much higher price was given; these were horses of a superior description, upon which the success of a communication depended, either to one of the far distant posts, or to reserve from the hands of the invading savages a particular pass or post upon their rear.

That the expense is considerable I am ready to admit, but the result of the active operations carried on by the means of this mounted force has exceeded even my most sanguine expectation; it has already met with your Excellency's approbation; it has rescued this distressed country from the hands of the savage enemy, public confidence has been restored, and an invading force is rapidly progressing into a state of efficiency, and the day of just, although awful retribution, I trust is at hand, when those murderous, relentless and remorseless savages will be taught the power of the British nation, and the determination of your Excellency to avenge the murders, incendiarisms and robberies of the peaceful inhabitants of this once fertile, happy and most flourishing district, now rendered a desolate and miserable waste.

His Excellency
 Sir Benjamin D'Urban, K.C.B.
 Governor and Commander-in-chief.

I have, &c.,
 (signed) H. G. Smith, Colonel,
 Chief of the Staff.

(Enclosure 8, in No. 1.)

EXTRACTS from GENERAL ORDERS, dated Head Quarters, Graham's Town,
 17th January 1835.

Encl. 8, in No. 1.
 ———

1. THE officer commanding the troops observes that great irregularity exists in the purchase and appropriation of horses for the use of the army, and to mount the cavalry.

2. The efficiency of the invading force depends exclusively on the possibility of being able to mount a large and effective mounted force. The following regulations must and will be strictly enforced:

3. Dr. Campbell and Captain Wood, of the Graham's Town Volunteers, are appointed to purchase horses, according to a schedule of rates which will be given to them, and the horses to be approved of by Brigade-major O'Reilly.

4. A depôt will be formed, where every horse purchased and passed by Major O'Reilly will be delivered to the charge of Major Wood, commanding the 1st corps of Hottentots. This depôt is established at the yard of Mr. J. Mandy, who will keep a book and entry thereof; and he is held responsible that these horses are duly fed and watered, and that no horse whatever is delivered to any one without the express authority of the officer commanding the forces.

5. The horses thus purchased will be appropriated by the officer commanding the forces to the different services of artillery, cavalry, &c., and will be delivered to the officers commanding corps and independent troops, for which a receipt will be taken; and these commanding officers are held responsible that care be taken to fit and appropriate the saddles to the animals, and that due caution and discretion be observed as to their condition.

6. Under peculiar circumstances, and the emergency of the moment, some officers have been supplied with horses at the public expense; the officer commanding holds every officer responsible for the condition of the animals with which they have been thus accommodated, and that they will be prepared to give up such horses at a moment's notice.

7. Officers commanding corps and troops are called upon for a correct return of every horse

Minimum, 6*l.*
 Maximum, 11*l.* 5*s.*

THE CAFFRE WAR AND DEATH OF HINTZA.

horse belonging to His Majesty; and any evasion of this order will be visited with the utmost severity.

No. 1.

Sir B. D'Urban
to Mr. Sec. Spring
Rice; 27 Feb. 1835.

Encl. 8, in No. 1.

(True copy.)

(signed) *H. G. Smith*, Lieutenant-Colonel,
Commanding the Forces.

H. G. Smith, Colonel, Acting D. A. General.

(Enclosure 9, in No. 1.)

NUMBER of HORSES Purchased at *Graham's Town* during the Caffre Irruption, between the 7th and 31st of January, with the Distribution and Appropriation thereof.

Encl. 9, in No. 1.

Number Purchased.				HOW DISPOSED OF.	Number disposed of.	REMARKS.
Horses	-	-	721	To Lieut.-Colonel Somerset, for the re-mount of the Cape Corps, and for the formation of three additional and provisional companies	74	The Cape Corps has now 382 efficient horses, exclusive of the 239 sick depôt.
721	5	-		To Major Lowen for ditto	50	
11	5	-		Ditto	48	
8,111	5	-		Ditto	49	
	7,677	6	10½	Ditto	11	
			433	18		
			1½			
-	£.	-	£.	To Colonel Somerset ditto	33	Many of these are fast recovering and daily brought into use.
-	-	-	-	The depôt of sick horses, transferred to Colonel Somerset, with sore backs, &c.	239	
-	-	-	-	To Lieut.-Colonel England, to mount 50 of the 75th Regiment	50	
-	-	-	-	To Captain Harries, of the Port Elizabeth Yeomanry	25	highly efficient.
-	-	-	-	The Albany Sharpshooters	15	
-	-	-	-	To officers employed upon special services, guides, interpreters, &c.	85	
-	-	-	-	Lost by sickness, worn out and left upon the roads, drowned in the Fish River	42	
TOTAL - - - 721				TOTAL - -	721	Most of these are in high condition.

Head Quarters, Graham's Town, }
26 February 1835. }

*H. G. Smith, Colonel,
D. Q. M. General.*

(Enclosure 10, in No. 1.)

GENERAL ORDERS.

Head Quarters, Graham's Town, 3 February 1835.

THE Commander-in-chief has directed the following colonial force to be raised, embodied and officered provisionally, and until His Majesty's pleasure be known :

Encl. 10, in No. 1.

Three companies of cavalry (Hottentots), each consisting of, one captain, one lieutenant, one ensign, three sergeants, three corporals, two buglers, 74 privates, and 67 horses. These provisional companies of cavalry are to be attached to, and to do duty with, the Cape Mounted Rifle Corps, and to be in the immediate charge (under the commanding officer) of Brevet-major Lowen, who is therefore to do duty as effective major until further orders;

Lieutenant Ross, Cape Mounted Rifles	-	-	-	-	as Captain.
- Forbes, 75th Regiment	-	-	-	-	ditto.
- Warden, Cape Mounted Rifles	-	-	-	-	ditto.
Ensign Brummell, 75th Regiment	-	-	-	-	as Lieutenant.
- Puleston - ditto	-	-	-	-	ditto.
Frederick Campbell,	} gentlemen	-	-	-	as Ensigns.
George Thomson,		-	-	-	
William Harding,		-	-	-	

No. 1.

Sir B. D'Urban
to Mr. Sec. Spring
Rice; 27 Feb. 1835.

Encl. 10 in No. 1.

Cape Mounted Rifle Corps :

Lieutenant Oliver	} 72d Highlanders	-	-	to do duty as Lieutenants.
- Wade				
Ensign Granet,	98th Regiment	-	-	ditto.
Wellington Lowen,	gentleman	-	-	as Ensign.

H. G. Smith, Lieutenant-Colonel,
Acting Deputy Adjutant-General.

(Enclosure 11, in No. 1.)

GENERAL ORDERS.

Head Quarters, Graham's Town, 22 February 1835.

Encl. 11, in No. 1. THE corps of Hottentots, at present under the command of Major Wood, will be organised into a provisional battalion of the following establishment, and be called the 1st Battalion of Provisional Colonial Infantry:—One major, four captains, four lieutenants, four ensigns, one adjutant, one quartermaster, two staff serjeants, 12 serjeants, two buglers, 12 corporals. Forming four companies.

Promotions and Appointments.

To be Major:—Captain Bagot, late 47th regiment.

To be Captains:—William Gilfillan, esq., h. p. 60th regiment; F. F. Cowderoy, esq., h. p. 21st light dragoons; Alexander Heddle, esq., h. p. Royal African corps; John Baillie, esq.

To be Lieutenants:—Holden Bowker, Charles Baillie, Henry Nourse, Thomas Biddulph, gentlemen.

To be Ensigns:—Thomas Crowe, Charles Crawse, Edward Philpot, John Campbell, gentlemen; supernumerary Piet Lowe.

To be Adjutant:—William Dely, gentleman.

To be Quartermaster:—Edward Nelson, gentleman.

The levies from Uitenhage, Port Elizabeth, Swellendam, Enon and Bethelsdorp, will be formed into a second provisional battalion, of the same establishment as the first, to be called the 2d Battalion of Provisional Colonial Infantry.

To be Major:—Captain O. G. Stockenstrom.

To be Captains:—Charles Lennox Stretch, esq., h. p.; F. Rawstorne, esq., h. p.; Joseph Crowe, esq., h. p.; Joshua Kemp, esq.

To be Lieutenants:—Samuel Kerr, Thomas Henry Watson, John Hendrik Large, Alexander Charles Bisset, gentlemen.

To be Ensigns:—Frederick Alcock, Christopher Parrott, Charles Rubidge, gentlemen; supernumerary Piet Apple.

To be Adjutant:—Alexander M'Donald, gentleman.

To be Quartermaster:—A. B. Scheublé.

The officers of these provisional corps, when acting with the regular forces, will take rank as the youngest of their degree, and will receive pay and allowances according to their respective ranks.

(signed) *H. G. Smith*, Lieutenant-Colonel,
Acting Deputy Adjutant-general.

— No. 2. —

No. 2.

Sir B. D'Urban
to the Secretary
of State,
19 March 1835.

Copy of a DESPATCH from Governor Sir *B. D'Urban* to the Secretary of State, dated Graham's Town, 19 March 1835.

Sir,

WITH reference to my despatch of the 27th of last month, I have now the honour to inform you, that I have since proceeded with all possible energy of despatch in organizing and arranging a force at once for entering Caffreland to act offensively, and for leaving behind me an adequate defence for the frontier during my absence.

Nos. 1 & 2.

No. 3.

With every practicable effort, this can only be effected to the strength stated respectively in the enclosures Nos. 1 and 2; the general distribution of which is as in No. 3.

The local posts of armed inhabitants, however, throughout the districts of Albany, Somerset and Uitenhage, are in a tolerable force at their respective points, which are so disposed as to afford the best protection, in the circumstances, against any straggling and small parties of Caffres who may find means to introduce themselves into the colonial border for predatory purposes.

I could well have wished to have increased the strength of both these bodies of troops (1 and 2), especially the two provisional battalions of Hottentot infantry,
and

No. 2.
Sir B. D'Urban
to the Secretary
of State,
19 March 1835.

and to have established somewhat more of organization in the burgher force, which forms so large a proportion of both. But it is of the most pressing importance to commence our operations without farther delay, for the following main reasons (among others), which are irresistible:

1. The great current expense of supplies while these forces are kept together, to which I have adverted in my last despatch, and which, although I have used every endeavour to reduce it to the lowest possible amount, is still very large, from circumstances which cannot be controlled.

2. The length of time which many of the burgher forces have already been kept from their farms, and the fast approaching season of the latter end of April and May, when their continued absence from them would be a great general as well as individual evil.

3. The proceeding to offensive measures by the invasion of the enemy's country, before they shall have recovered from the moral effect of the late partial chastisements which have been inflicted upon them.

For these principal reasons, and many minor ones, I have judged it right to move without further delay; and have accordingly begun, during the last three or four days, to assemble the corps for operations at their several points along the Keishkamma and Chumie, where I shall join them by the time that they are assembled, and commence operations immediately.

Upon these points I have already disposed commissariat and ordnance stores, for a month's consumption, and I must endeavour to finish my operations within that period, as far as it may be practicable.

The tribes in open and avowed hostility to the colony, and who have joined in the invasion of it, and in the atrocious ravages committed in it, are those of Tyalie, Macomo, Bothman, Dushamie, Umhala, T'Slambie and some minor ones.

Hintza, the most powerful of them all (and whose territory extends from the mouth of the Kaie to its sources in the Stromberg Mountains, and between it, eastwards, and the Bashee) has been playing a double game. He has received the plundered cattle into his territory, some of his people have even undoubtedly joined the invaders, and his council (hemraaden) are decidedly hostile; but he himself professes not to be so, and so far as I can discover, in some communications which I have had with him during the last month, he is very desirous of holding off, to await the result of our first movements in advance, and then to act as may best suit his policy at the moment. In this, he may perhaps go farther than may be for his advantage; because, if he holds back from giving his essential assistance to the other tribes in the outset, he will weaken them, and when they are disposed of, will be left by himself to meet the ulterior proceedings upon our part, which, if we shall find it expedient to adopt them, I have little doubt we shall have discovered ample cause upon his, to justify our adoption.

In the course of last week, a portion of the tribes of Enno, Bothman and Dushamie, and some of Tyalie's and Macomo's from the Amatolo Hills, again made an attempt to penetrate into the fastnesses of the Fish River, and to the Kat; in this they were defeated and driven out again by the troops on the ground, and a small addition which I sent at the time from Graham's Town to their support.

These circumstances will be sufficiently explained to you by the enclosed notice, which I issued in the Government Gazette of the colony.

No. 4 (A.)

I have, &c.

(signed) B. D'Urban.

P. S. I am happy to inform you, that from the commencing return of resources in the districts into their natural channel, I hope to be able to relieve the commissariat, by the 7th of next month, from supporting the destitute inhabitants, and placing that duty under the charge of the colonial authorities, to afford assistance where individual cases may require it.

(signed) B. D.

No. 2.
Sir B. D'Urban
to the Secretary
of State,
19 March 1835.

(Enclosure 1, in No. 2.)

RETURN of the FORCES upon the Eastern Frontier, now assembled for the purpose of advancing into Caffreland.

Encl. 1 in No. 2.

	Guns.	Mounted.	Infantry.	TOTAL.
REGULARS:				
Royal Artillery - - - -	{ 3 3-pounders - 2 6-pounders - 1 5½-in. how- itzer - - }	- - -	25	25
72d Highlanders - - - -	- - -	- - -	371	371
Cape Mounted Rifles - - -	- - -	358	- - -	358
1st Provisional Battalion Colonial Infantry - - - -	- - -	- - -	411	411
2d - - ditto - - - ditto -	- - -	- - -	350	350
Total - -	6	358	1,157	1,515
BURGHERS:				
George - - - - -	- - -	310	- - -	310
Graaff Reinet - - - - -	- - -	242	- - -	242
Somerset - - - - -	- - -	532	- - -	532
Zwellendam - - - - -	- - -	453	- - -	453
Beaufort - - - - -	- - -	62	- - -	62
Corps of Guides - - - - -	- - -	40	- - -	40
Total - -	6	1,639	- - -	1,639
GENERAL TOTAL - -	6	1,997	1,157	3,154

Head Quarters, Graham's Town, }
19 March 1835.

(signed) H. G. Smith, Colonel,
Acting Deputy Adjutant-General.

(Enclosure 2, in No. 2.)

Encl. 2 in No. 2.

RETURN of the TROOPS on the 1st Line of Defence under Lieut.-Colonel England.

	Guns.	Mounted.	Infantry.	TOTAL.
REGULARS:				
Royal Artillery - - - -	{ 3 6-pounders - 1 24 - pound howitzer - }	- - -	3	3
Royal Sappers and Miners - - -	- - -	- - -	21	21
75th Regiment - - - -	- - -	48	413	461
Cape Mounted Rifles - - -	- - -	20	11	31
Total - -	4	68	448	516
BURGHERS:				
Graham's Town Volunteers - - -	- - -	30	335	385
Albany Burghers - - - -	- - -	120	- - -	120
Beaufort ditto - - - -	- - -	80	21	101
Beaufort Levy - - - -	- - -	57	102	159
Field Commandant Groepe's Force -	- - -	115	387	502
George Town Volunteers - - -	- - -	44	- - -	44
Uitenhage Burghers - - - -	- - -	138	- - -	138
Port Elizabeth Yeomanry - - -	- - -	36	- - -	36
Total - -	4	620	865	1,485
GENERAL TOTAL - -	4	688	1,313	2,001

Head Quarters, Graham's Town, }
19 March 1835.

(signed) H. G. Smith, Colonel,
Acting Deputy Adjutant-General.

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(Enclosure 3, in No. 2.)

GENERAL ORDERS.

Head Quarters, Graham's Town, 16 March 1835.

1. THE forces now assembling for operations beyond the eastern frontier, will be for the present distributed into four divisions.

Colonel Smith, c.b., will be the second in command, continuing at the same time in the performance of his duties as chief of the staff to the united regular and burgher forces.

The first division, with which will be the head quarter of the commander-in-chief, will be commanded by Lieut.-colonel Peddie, 72 Highlanders; the 2d by Lieut.-colonel Somerset; the 3d by Major Cox of the 75th regiment; and the 4th by Field-commandant Van Wyk.

The troops which will respectively belong to these divisions will be hereafter designated.

2. The forces which will then remain in the eastern frontier, and within the districts of Somerset and Albany, as well burghers as regulars, will be under the command of Lieut.-colonel England (to whom a state of them will be duly furnished), who will take upon himself the charge of the first line of defence of that frontier and fix his head quarters at Graham's Town.

This line extends in its front from the Winterberg, including the Kat River and settlement thereon, camp Adelaide, and the Chumie and Keishkamma Rivers, with the Forts Beaufort and Willshire to the sea.

3. The means and resources of the above two districts for all purposes of military defence, arrangement and communication, are placed at the disposal of Col. England, and he will put himself in communication with the civil commissioner of these districts, and with those of Uitenhage and Graaff Reinet respectively.

4. He will also place himself in communication with Colonel Cuyler commanding the burgher force and posts of defence at Uitenhage (forming the second line of frontier defence), and these officers will mutually assist and co-operate with each other.

5. Colonel Cuyler will accordingly take upon himself the charge of all the local posts of defence, including those of the Zuurborg within the districts of Uitenhage, excepting Port Elizabeth, which is a fortress under an especial commandant, with whom, however, he will be in communication, each affording to the other reciprocal assistance in all that may be necessary.

6. The Colonels England and Cuyler will respectively act upon their own judgment and discretion during the absence of the commander-in-chief, observing a few heads of general instruction, which will be duly communicated to them, as far as these may be applicable to the existing circumstances of the period.

(signed) H. G. Smith, Colonel,
Acting Deputy Adjutant-General,

(Enclosure 4 A, in No. 2.)

NOTICE.

Head Quarters, Graham's Town, 13 March 1835:

Encl. 4 (A), in No. 2.

ON the 6th instant one of the patrols belonging to the line of posts established on the right bank of the Keishkamma, from the ebb and flow drift of Fort Willshire, discovered the track of a considerable number of Caffres, who had contrived to pass in unperceived between the posts, during the preceding night, and had apparently taken the direction of the Committy's and Trumpeter's drifts on the Fish River.

In the middle of the 7th, Captain Jervis of the 72d, commanding at Fort Willshire, combined with Field-commandant Redemeyer, who, with a part of his burgher force and a three pounder gun, had joined him from his camp at Mount Somerset, moved down from the Keishkamma ridge in the direction which the entering Caffres had taken, and found a considerable number of them in a woody ravine towards Committy's drift; these they attacked, drove them out of it, and dispersed them, capturing about 100 head of cattle, which the Caffres had brought with them, with some loss in killed and wounded to the enemy, and none on the part of our troops, whose conduct was excellent in this movement, and alike did great credit to Captain Jervis and Field-commandant Redemeyer. In the meantime the advanced parties of the Caffres (of which that attacked seems to have been the rear) had passed on to the Committy's and Trumpeter's Drifts woods of the Fish River, and had succeeded in surprising a post of Fort Elizabeth burghers, placed on the right bank of the Fish River, at Trumpeter's drift, for the protection of a punt building there for the convenience of a passage to the commissariat. In this surprise the burghers lost four killed, with four Hottentot waggon-drivers, who had been allowed to take over the waggon-oxen to graze on the left bank of the river, and who had there fallen a prey in the first instance to the Caffres.

In the afternoon of the 7th, the reports of these events having been received at head quarters, Colonel Somerset (who had been for some days previously occupied there in re-organizing the cavalry for the operations about to take place in advance,) proceeded to his corps on the Fish River, which was re-inforced by a six-pounder gun of the royal artillery, and the 2d battalion of provisional colonial infantry of Major Stockenstrom, while, to guard against the possibility of the Caffres penetrating from the Fish River through the woods of the Kap

Sir B. D'Urban
to the Secretary
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Encl. 4 (A.) in No. 2.

into the country westward of that river (which was very likely to be their object for the recovery of the cattle lately taken from them, and now at pasture near Salem), the first battalion of provisional colonial infantry of Major Bagot, supported by a force of Graaff Reinet burghers, under Captain Forbes, of the Cape mounted rifle corps, marched to Waay Plaats for the protection of the line above the Kap.

Meanwhile Colonel Smith, the deputy quarter-master-general and chief of the staff (who was proceeding to the neighbourhood of Fort Willshire to prepare a central camp of assembly for the troops about to advance), was directed to superintend such operations as might become necessary from Fort Willshire down the ridge of the Keishkamma, during those carrying on from the Fish River thither.

In the course of the 8th and 9th, the fastnesses between these rivers were accordingly scoured by several bodies of the troops under Colonel Somerset, and the different parties of the enemy who had lodged themselves therein were driven out, so that the patrols of the 11th and of yesterday have not discovered any remaining between the Fish and Keishkamma Rivers, or upon the Kap; and their tracks appear to have been all directed over the Keishkamma into Caffreland.

In the course of the 9th, the Field-commandant Redemeyer, with the George and Uitenhage burgher force, retiring to his camp on the Chusie from scouring the line between it and Trumpeter's Drift, had entered with a small detached party a closely wooded ravine, to examine a fire, and was surrounded by an immensely superior number of Caffres, who were lying there, and who attacked him with the utmost determination. The intrepidity, able conduct and personal prowess of the field-commandant, and the corresponding gallantry of his people on this occasion, were beyond all praise: he fought his way through the enemy without flinching, and the rest of his force coming to his support, defeated them with a loss of 70 killed and many wounded, and resumed his march to his camp. In this unequal combat, however, he lost five killed and eight wounded; the latter being all brought in, and receiving immediately the able medical aid of Dr. Morgan, staff assistant surgeon, attached to that corps.

On the 9th, Colonel Smith, from the River Keishkamma, in the neighbourhood of Fort Willshire, had pursued a retreating horde of the Caffres some miles into Caffreland, in the direction of Amatola, of whom he killed some, but could not overtake the body of them, on account of the fatigue of his horses; he, however, destroyed a great number of their dwellings and establishments, and then returned to Fort Willshire. On the 9th also, as had been anticipated, several parties of Caffres penetrated to the banks of the Kap, from whence they retired over the Fish River, probably on seeing the troops on the Waay Plaats ridge.

The Caffres having brought cattle with them, had probably reckoned upon remaining some time in the fastnesses of the Fish River as before, and one of their main objects (as before suggested) was, perhaps, to penetrate to the neighbourhood of Salem, and recover the captured cattle.

The loss of the enemy in these days has been about 150.

Ours has amounted to nine killed and 13 wounded.

The troops employed in these operations have done their duty to the satisfaction of the commander-in-chief.

By Command of His Excellency.

(signed) *W. H. Dutton*, Major, Military Secretary.

(Enclosure 4 B, in No. 2.)

RETURN of KILLED, WOUNDED and MISSING in Action with the Enemy, from the 7th to the 10th instant.

Regiments and Corps.	KILLED.			WOUNDED.			MISSING.			TOTAL.		
	Officers.	Ser-jeants.	Rank and File.	Officers.	Ser-jeants.	Rank and File.	Officers.	Ser-jeants.	Rank and File.	Killed.	Wounded.	Missing.
72d Highlanders	-	-	-	-	-	-	-	1	-	-	-	1
Burghers	-	-	7	-	-	7	-	-	6	7	7	6
Total										7	7	7
GENERAL TOTAL										21		

Head Quarters, Graham's Town, }
13 March 1835.

(signed) *H. G. Smith*, Colonel,
Acting Deputy Adjutant-General.

— No. 3. —

Copy of a DESPATCH from Governor Sir *B. D'Urban* to the Earl of *Aberdeen*.

My Lord,

Head Quarters, Graham's Town, Cape of Good Hope, 19th June 1835.

REQUESTING your Lordship's reference to my despatch of the 19th March last, (and to my previous despatches therein referred to on the same subject,) addressed to Mr. Spring Rice, immediately before I left Graham's Town to join the troops then assembling upon the Rivers Keishkamma, Chumie and Klip-plaatz, for the invasion of Caffreland, I have the honour to inform your Lordship, that I have just returned hither, having successfully accomplished that expedition, and effectually attained the objects which I had proposed to myself in undertaking it.

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to the Earl of
Aberdeen,
19 June 1835.
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In the process of this service, and in the confidence of its speedy conclusion, it had appeared to me that it would have been at once useless and unsatisfactory, from such a distance, to report the separate steps of its progress (somewhat desultory, too, from the nature of things,) and that it would therefore be more expedient to await its termination, and then to bring the whole at one view under your Lordship's notice.

This, with your Lordship's permission, I will now proceed to do; and I am not aware that I can place it before you in a more succinct and intelligible form than by transmitting to you the successive official "Notices" which I have from time to time judged it necessary to issue in the Government Gazette, to tranquillize the public mind (naturally excited and alarmed) by authentic information of events in which the whole community were so deeply interested. These "Notices" contain an accurate statement of all my recent operations, with their circumstances and results, continuing it in an unbroken series from the beginning of them to the end; and a reference to them, with a few passing explanations, will enable me to spare your Lordship's patience, by making this despatch much shorter than it would otherwise be. The Enclosures Nos. 1, 2 and 3, of my despatch of the 19th March, will show the aggregate amount of the force of all sorts, regulars and burghers, which I had then been enabled to provide, as well for the invasion of Caffreland as for the defence of the frontier districts in my absence; in round numbers, I had ultimately at my disposal 3,000 rank and file of all arms for the former of these services, and 2,000 for the latter.

The general distribution of duties and commands for them respectively was arranged as in the General Order enclosed, No. 1, and the corresponding instructions left with Colonel England for his guidance in the care of the first line of frontier defence were as in the Enclosure No. 2.

No. 1.

No. 2.

To Colonel Cuyler, commanding the second line of defence, many years a resident and chief magistrate on the borders of the district of Uitenhage, as well as an excellent old officer of His Majesty's service, it would have been superfluous to do more in the way of instruction than to send him a copy (for his information) of that given to Colonel England, and for the rest to leave him to his own discretion.

It may be in its proper place here to apprise your Lordship of my having, as early as the month of February, ascertained beyond all doubt, that Hintza* (the chief of the country between the Kye and the Bashee and of the left bank of the latter river, and paramount chief of Caffreland,) had been, if not the original contriver and instigator of the combination among the chiefs of the savage tribes in western Caffreland against the colony, very early referred to and consulted by them therein; that he afforded them his countenance and advice; received into his territory the plundered herds and effects sent thither from the colony; permitted (if not directed) many of his own tribe to join in the invasion; and that, consequently, the border tribes in all their measures relied upon his support, and upon the ultimate refuge of his country in case of their failure. This certainty, afterwards still more amply confirmed, had rendered it obviously at once just and necessary that my operations should embrace the country of Hintza as their concluding stage, and dictated the general outline of

* Hereupon I request especial reference to a passage in my despatch of the 19th March.

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to the Earl of
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No. 3.

the plan of them (Enclosure No. 3) which I gave confidentially to the chief of my staff on the 22d of February, for his information and guidance, and to which I had afterwards found it necessary to add the postscript of the 1st March, in consequence of intelligence then received of a change in the movements of the border tribes. This trifling alteration in the detail, dictated by that of circumstances, still preserved the principle of my original design, and as the enemy remained in that position at the commencement of my operations in the end of March, so it became the basis upon which they were founded, and to which, as your Lordship will see, they afterwards adhered.

No. 4.

Upon the formation of the camps of assembly along the immediate border, I had sent Colonel Smith (chief of the staff, of whom I have spoken in my former despatches) forward to superintend them, and on my arrival at that of the centre (New Fort Willshire), he had just executed the successful enterprize related in the "Notice," Enclosure No. 4.

No. 5.

On the 29th March, the organization of the invading force (as in the Enclosure No. 1) was completed by the General Order in the Enclosure No. 5, and on the 30th and 31st the troops broke up from their respective encampments, and entered Caffreland.

No. 6.

The operations which succeeded from that day to the 13th April, with their immediate results, are detailed in the "Notices," which is the Enclosure No. 6.

No. 7.

And those from that day to the end of April in the Enclosure No. 7; nor, so far as these details are concerned, am I aware that I can usefully add anything in further elucidation of them; some collateral observations thereon, however, may not be irrelevant or superfluous: the principle proposed in the Enclosure No. 3, to dispose of the border tribes in the first instance, and then proceed to a conclusion with Hintza, their chief and instigator, in his own territory, had, as your Lordship will perceive, been adhered to throughout; and hence it resulted (as I had anticipated in my despatch of the 19th March) that Hintza's cautious and double policy, which had led him to hold back from open and substantial assistance to the former in the commencement of our active operations against them, have now left him alone to bear the weight of our ulterior measures against himself, and without the power of affording any support to them.

My reasons for receiving and protecting the Fingo race are fully, although briefly, set forth in the Notice No. 7, and I trust will be found sufficient. There can be no question, I think, that this measure is in the true spirit of that which the mother country has recently pursued upon so immense a scale; it is in itself of unspeakable mercy to this liberated people, since in no one instance did that extensive emancipation rescue any race from a life of misery bearing any comparison to the wretched state of slavery and oppression under which this nation groaned; it will have secured, besides, an acquisition of incalculable value to the colony.

No. 8.

The heads of the Fingo families, in their original overtures to me, had stated their numbers of adult males at 1,500, and this being assumed to be one-fourth of them, their whole amount would be about 6,000, at which I then estimated it; but this, as I have since found, very much under-rated it, since, as will be seen by the enclosed state, Enclosure No. 8, more than 16,000 souls have arrived safely at their destination. Their subsistence, however, will bring no burden upon the colony, as they have brought with them some 16,000 head of cattle, many herds of goats, with corn and other food, and will immediately commence the culture of the lands where they are placed. This supply of hired servants, and especially for all farming purposes, will be of the greatest benefit to the community; for they are well known to be excellent for that purpose; and it will be more than ever useful at this moment, when the recent levies have necessarily converted into soldiers so much of the Hottentot population heretofore employed in those occupations. They will, moreover, assuredly become, with a little seasonable support and encouragement, the best militia for the protection of that tract of country, which for the last 25 years has been the vulnerable part of the colony, to the entrance of the savages, from the nature of the ground, full of woody ravines, of which it consists, and which is their vantage ground.

Adverting again to the Enclosure No. 7, the causes of grievance on the part of His Majesty's colony and subjects against Hintza, set forth in its accompanying document,

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document, No. 2, I know to be well-founded, and in no degree exaggerated; they are of ready and abundant proof, and the consequent demands upon him in satisfaction for them, are, as it appears to me, unquestionably just. From corroborating accounts I had had, before I arrived in this country, good reason to be sure that very considerably more than 50,000 head of cattle, and 1,000 horses, plundered from the colony during the inroad of the savages in December and January last, had been received within his territory, and disposed of by his authority and permission, and since my arrival this had been amply confirmed; the number demanded, therefore, however large it may appear, was fair, and borne out by the facts of the case.

It affords me great satisfaction, as it will, I know, to your Lordship, that my approach to the Bashee had been most critically fortunate for the preservation of the missionaries, with their families, and the British traders who had assembled at the station of Clarksbury on that river. The situation of all these had been long very precarious, and had of late become more than ever perilous, as in addition to their other causes of apprehension, it was well known that Hintza had evinced a very hostile feeling towards them, from the indulgence of which, indeed, he was only deterred by our coming. They have now, every one of them, been safely brought into the colony, with all their effects (see Enclosure No. 9), to the number of 100 British subjects of all ages, and without loss or disaster of any kind on the way.

The residence of these missionaries had, besides, become utterly useless to the interests of religion; for they all acknowledged to me, with the reluctance natural to such an admission, but with the expression of their sincere conviction, that in the course of their long and diligent labours, although they had been, as they hoped, successful in the conversion of many of the race of Hottentots and of Fingoes, they could not flatter themselves that they had ever made a lasting salutary impression upon one of the race of Caffres; and they not at all inaptly compare the latter to wolves (which in truth they resemble very much) which, if they be caught young, may be brought (for their own interests and gratification in the matter) to an appearance of tameness, but which invariably throw it off, and appear in all their native fierceness of the woods, as soon as the temptation of blood and ravage, which never fail to elicit their natural ferocity, presents itself to their instinctive thirst for it.

The negociation with Vadana, chief of the Vosani Tambookies on the Upper Bashee, and with Faku, chief of the Amapondas on the Umtata, which I had taken measures to set on foot in the month of February, through the means of the Rev. Mr. Davis, Wesleyan missionary in the country of the Vossanie, would have been of great utility if Hintza's resistance had been more protracted and determined; as it is, these tribes now remain upon excellent terms of reciprocal amity and good understanding with us.

Meanwhile Hintza, as soon as he had concluded the treaty on the 30th April, requested that he might remain in my camp, instead of returning to his residence; also my permission to send for his principal son and heir, Crieli; and observed, upon my adverting to the hostages which were to be placed in my hands, "That he and his son would be themselves the hostages for the due observance of his engagement." I granted him this permission accordingly, sending back presents, by the messengers whom he dispatched for Crieli, to his great wife Nomsa, and to his family; in a few hours the young chief joined his father. Here I may observe (although I trust it is unnecessary) that during the whole time of their residence in the British camp they were treated with every possible kindness and attention, and all their wishes carefully attended to. I am free to acknowledge, that this proceeding of Hintza had appeared to me so frank and satisfactory that, prepared as I had been for the wiles and treachery of his character, by instances of it which I could not doubt, it somewhat disarmed my suspicion, and induced me to forego the power which the concluding article of the treaty had given me of continuing hostilities until the first instalment of plundered cattle should have been paid, and of securing large quantities of it in the meantime. I was glad, too, of having this excuse for sparing his people at once from any longer continuance of the unavoidable scourges of war.

It is not easy, perhaps, to account for his voluntary determination thus to place himself and his son in my power, as pledges of his good faith, intending, as he assuredly did from the first, to break it, but upon the following grounds: for himself, he desired, perhaps, to avoid the odium among his people of being

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the instrument of compelling them to restore the cattle in their possession ; and this supposition is strengthened by his having (as I afterwards discovered) caused it to be given out from the first, that he was a prisoner to the English, compelled to obey them, and therefore not responsible for the orders he might issue to his subjects under that compulsion, and consequently, that however disagreeable their obedience might be to them, it could not be attributed to him, who had no free agency in the matter.

For associating his son with him in this situation, he might have been in some degree influenced by the wish of saving him from the task of executing such orders in his stead, and perhaps by jealousy of the proceedings of the young chief under the guidance of his mother Nomsa, in his own absence.

And, perhaps, after all, in his desire to divest me of all suspicion of his faith, he carried his finesse to an extreme, and thus over-reached himself, as very cunning people (and cunning was his characteristic) are often found to do, in their eagerness to compass their objects.

Be this as it may, my confidence in his honesty, so far as it went, was soon dissipated.

On the day of concluding the treaty, he had despatched messengers with the ostensible purpose of ordering a collection of cattle to fulfil its conditions ; but it soon appeared that to some of these messengers he had contrived to add a private intimation, that "he was a prisoner, and that notwithstanding the public orders they had received from him, they should drive their cattle to the sources of the T'Somo," that is, out of our reach. Of this, however, when I heard it, I took no notice to him, and indeed endeavoured to disbelieve it ; it was, however, sufficiently proved afterwards by the results.

In this state of things, on the third day of his stay in my camp on the Izolo, I moved to the Debakasi, and Hintza, with his suite (still by his own express desire, for he was told that he was free to leave me,) accompanied me ; on the way he was joined by his brother Bookoo, into whose district (or government) we were now retiring, and to whom Hintza had on the day of the treaty sent a message of information, directing him to repair to him. In the course of this day's march, I received an express from Colonel Somerset (who had remained upon the Gona) that the Caffres, by order of Hintza and Bookoo, had commenced a massacre of the Fingoes, which was corroborated at the same time by messengers to me from Macahina, the Fingo chief. This at once opened my eyes ; it was obvious, from the time and distance, that orders had been given for this massacre after Hintza had announced to Bookoo the conditions and terms of the treaty, one of the most important parts of which had been that the Fingoes were under British protection, allies, and indeed adopted subjects of the king of England ; that all injury to them was forbidden upon the part of the Caffres, and that severe retribution would follow.

It now became immediately and urgently necessary to stop further massacre by the most prompt measures, and I therefore signified to Hintza that this proceeding, by which he had broken the treaty, had altered his position ; that I held him, and all who accompanied him, responsible, and that if an immediate stop were not put to these acts of blood and treachery, they should take the consequence, and that I would hold them responsible until every Fingo was out of their country. Under this impression of personal fear, Hintza despatched speedy messengers, with orders to his people to cease further violence against the Fingoes, which were immediately obeyed, and the salutary influence of this fear saved the lives of many ; this was the only way, indeed, in which I could have effected that object, since these murders were perpetrating at several places at once, and at some distance, so that any parties of my troops, even if such had been disposable, would have been of little avail. Hintza and Bookoo, besides, were the proper authorities to employ, and as they believed that their own lives depended upon prompt obedience, their orders were conveyed unerringly to the points described, and so strongly worded (for once with sincerity) that they were instantly and implicitly obeyed, and I thus succeeded in preventing further slaughter.

Hintza, with his son and followers, remained as before, without any alteration in their treatment, but avowedly now held under a stricter and more ample obligation of pledge than before ; because they now stood responsible for the lives of the Fingoes, until all these should be removed out of their country. In abstaining from a continuance of hostilities, I had fixed the term of five days from the day after

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after the treaty, for a due observance of as much of it as the time would admit of. The fifth day, however, passed away, and little or no progress had been made towards its fulfilment by Hintza; with great urging, and obviously with much reluctance, he was at length brought ostensibly to fulfil the 2d article of it by sending his orders, as paramount chief of Caffreland, to the hostile chiefs of the border, in the terms of that article; I say ostensibly, for it afterwards appeared that he had contrived to deprive it even in its transmission of every power (while had he sent it honestly it would certainly have been obeyed) by accompanying it with a private intimation to those chiefs "to take care of themselves, for that he was a prisoner."

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Hintza's messengers, in this case, were sent under a due escort for their safety, to Major Cox, whom I had left commanding the 3d division on the Deba, that he might afford them a facility of going through his posts to the chiefs to whom they had been despatched; and availing myself of that opening, I transmitted to him the brief instruction, Enclosure No. 10, that he might have somewhat of a basis upon which to effect an opening for a cessation of hostilities, if it should become otherwise practicable. This, however, was never the case; for the private intimation sent by Hintza was so significant, that two of the chiefs, in a subsequent conference with Major Cox, advanced it as a warning given to them by Hintza, and as their reason for still holding out.

No. 10.

In truth, this savage chief, in the whole course of his proceedings, never acted otherwise than with duplicity and bad faith, except in the solitary instance above stated, when he apprehended that his own immediate fate depended upon his sincerity of purpose.

Having in the meantime waited on the Debakasi, until the missionaries and traders from beyond the Bashee had been safely brought into my camp, the Fingo tribe also assembled, and about 20,000 head of cattle (captured in Hintza's country during the five days of operation which had preceded the treaty of the 30th April) collected, I sent off the whole to the colony under the charge of Colonel Somerset, and the 2d division (see Enclosure No. 11), following myself with the 1st, slowly to the Kye.

No. 11.

Meanwhile the five days stipulated with Hintza had long expired, and no effect seemed to have resulted from the orders which he professed to have given for the fulfilment of the 1st, 3d and 4th conditions upon which peace had been granted to him, and I caused him to be made acquainted with the strong suspicion of his bad faith with which these delays and some other indications had impressed me, adding, that he would do well to bear in mind that he, by his own choice, was now a hostage "for the fulfilment of his treaty."

To this he said, that "his people had not yet obeyed him, but that they would do so if he appeared among them, with the support of some of my troops;" and earnestly solicited that this course might be resorted to, and that he might make a tour through some districts of his country, accompanied by such a support for the purpose desired. I consented to this, and Colonel Smith, with a strong detachment, accompanied him accordingly.

The occurrences of the period, from the 30th of April to the 15th of May, will be found in the Notice (Enclosure No. 12), with the documents of reference annexed to it. It now becomes necessary that I should explain to your Lordship fully the powerful, and indeed irresistible reasons which have compelled me, in the conscientious discharge of my duty, and having no power of previous reference to higher authority, to adopt the important measure recorded in the documents A. and B. This extension of the colonial border had now become not only expedient, but absolutely and indispensably necessary and unavoidable. The only measure that could promise to repay the expenses of the war, which the colony had been most unwillingly compelled to wage *pro aris et focis*, and place a defensible barrier between the heart of the colony and the savage tribes of Central Africa, provide security for the future, and a just indemnification for the past.

No. 12.

It became, therefore, imperative upon me, as a faithful servant of the King, and a conscientious governor, charged (by the peculiar nature of the crisis) as well with the present as the future interests of such a colony, to take upon me this responsibility (feeling, I entreat your Lordship to believe, all its awful weight), and not to let slip the golden opportunity (which would rapidly have passed away, and which, therefore, left me no time to take His Majesty's previous pleasure thereon) of doing now, when it could be done with the most rigid adherence to

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principles of justice, that which policy, the security and the future prosperity, nay, I may truly say, existence of the colony, alike demanded. A brief reference to the public correspondence of the Colonial Department with the successive governors of the colony for years past, indeed ever since it has belonged to the British Crown (and its previous history, as a colony of Holland, is the same), will suffice to show your Lordship that the main and insuperable impediment to its growing prosperity, and the source of its greatest misfortunes, have ever been the insecurity of its frontier, arising from the character of the country through which the advancing boundary line has been successively traced; of this the two last extensions to the Fish River in 1812, and to the Keishkamma and Chumie in 1819, are remarkable and incontrovertible instances. Both of these lines are involved in tangled jungles, impervious woody ravines, and in fact made by nature for the preparatory lurking place of the savage, before he springs upon his prey, and for his retreat and concealment when he has secured it. Hence have followed without intermission constantly recurring evils, arising from hostile inroads of the most barbarous and desolating kinds, penetrating, as soon as begun, into the very vitals of the unprepared country, and "carrying the tidings in the blow," (of which the last, as well in extent as in atrocity, and the consequent misery which it has inflicted, is an unequalled example); or periods of nominal peace, when the same savages have continually carried on a ruinous and vexatious system of successful cattle-stealing, amounting to many hundreds carried off every year. And now this last barbarous and bloody inroad, which has filled the cup of distress to overflowing, has spread such universal consternation, that I may securely pledge my word to your Lordship, that unless a safer boundary be extended beyond the present frontier districts of Albany and Somerset, they will be altogether deserted, since not a farmer will venture to return to the occupation of lands where such certain loss and such frightful perils await him.

No. 13.

It appears to me more convenient here (instead of swelling the body of this despatch to so great a length as it would otherwise reach) to enclose, and to request your Lordship's attention on this subject to the Minute No. 13, which I think contains a full and just exposition of the question, alike borne out by experience of the past, a sound judgment of the future, grounded upon an accurate knowledge of the features of the new territory and its admirable fitness for the important purpose proposed, as to which paramount and essential point I may, without impropriety, give my personal opinion, since I have, during the late operations, visited nearly the whole of it, and therefore can affirm that, in addition to an invaluable acquisition of beautiful and fertile territory, it secures a compact and easily-defended barrier district, of the most perfect description.

No. 14.

All these considerations well and carefully weighed, I felt it my imperative and conscientious duty to His Majesty, and to the colony confided to my care, to carry into effect this extension; and in this measure, alike dictated by policy, security and justice, let it not be said that it is unduly harsh or severe to the savages expelled; for, be it remembered, these had all, deeply and without provocation, dipped their hands in English blood; that they had involved whole districts in ruin and devastation, and that they had lost the country in question by the operations of a war which they had themselves so wantonly provoked. And here it may not be irrelevant to cite the opinion of a most benevolent and humane clergyman, Mr. Shrewsbury, chief of the Wesleyan mission in the colony, long resident among the Caffres, and experienced as well in their character as in colonial frontier history. It will be found in the Enclosure No. 14; and although its author is a man of peace and of religion, a teacher of the gospel, and, as all who know him will vouch, in every regard a most pious and exemplary christian minister, I think my measures are not quite so severe as those which he, in his conscience, considers necessary, and openly recommends. To this I also add (No. 15) the opinion of the Caffre character generally, given by another humane and very excellent clergyman, Mr. Boyce, long resident in Caffreland, to whom I referred the Colonial Office for information when he visited England early in 1834. And with regard to a country for the reception of the tribes dispossessed, there is an abundantly sufficient one for them all on the eastern bank of the Kye, and between that river and the Bashee, without in any measure crowding or injuring its present inhabitants; that fertile territory being, as I know by personal observation, very thinly inhabited in proportion to its means of supporting inhabitants, large and fruitful districts of it, indeed, being without any at all.

No. 15.

Hintza recently, in adverting to this subject, expressed not only his readiness
but

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but his earnest wish to receive and locate the tribes in question therein. It must, besides, be borne in mind, that the measure of adopting the Fingo nation has removed nearly 20,000 souls from that country, all of whom raised from the soil not only their own subsistence but the greater part of that of the oppressors whom they served.

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I may here add, that upon the grounds of comparative expenditure in the occupation and defence of the new boundary (to say nothing of the value of the province acquired as a counterpoise to whatever may be so incurred), the expense in fortification will be less, and the number of troops fewer, which I shall require for this purpose than for that of maintaining and defending the old border, considering its extent and character, and the fearful experience of the late disastrous inroads.

I have felt anxiously and dwelt long on this part of my subject, and I now dismiss it, trusting that I shall, in all the circumstances, have made out a substantial case for your Lordship's favourable judgment, and for His Majesty's gracious approval.

Meanwhile Major Cox (commanding the 3d division left in the Buffalo and Amatola Hills) having reported to me that a communication had been opened with him by Suta, great widow of the chief Gaika, in behalf of the dispersed but still hostile tribes, against whom he was carrying on operations, I transmitted to him the basis of conditions (Enclosure No. 16) upon the principle of which I authorized him to conclude a treaty, (having reference to the preceding Enclosure No. 10,) and at the same time I sent its counterpart to the Rev. Mr. Dugmore for the information of the tribe of Dushanie (late 'TSambie) and of Nonube, the great widow of Dushanie, who, with her son Siwana (a boy,) the heir of that tribe, has been residing upon the Beeka, within the colony, under my protection, and in Mr. Dugmore's especial care, having quitted her tribe when she could not dissuade them from their invasion of the colony.

No. 16.

The former of these widows, with her son Sandeli, is the legitimate remaining head of the family of Gaika, the latter of that of Dushanie or "TSambie." These families divided between them the country from the Keishkamma and Buffalo; the former the mountains and downwards to the middle Buffalo, the latter from the sea upwards to the same line of demarkation, and between the mouths of the Buffalo and Kye: that is, they are the true representatives of the families of the chiefs of this country, who had, within a century, conquered it from the Hottentots. They can have ample possessions allotted them, to their satisfaction, in the new province, upon the terms of which I have drawn the outline (in the Enclosure upon which I am now speaking), under our laws, and being the subjects of His Majesty however, but preserving, so long as they shall desire it, their own internal manners and customs for the regulation of the domestic concerns of their tribes, in so far as they do not essentially contravene the general English laws under which they will live and be protected.

In all this I have studiously left open the outlet of the Kye, by which such of the Caffres as know that they have placed themselves without the pale of reception and sufferance in the new province of the colony, also know that they have that alternative, of which they may readily avail themselves, if they shall see fit to do so.

Just as I had disposed of this latter question, on the 18th May, Colonel Smith returned to me on the Impotshana, with his detachment, from the other side of the Kye and Bashee, and informed me of the death of Hintza, (Notice, Enclosure No. 17,) the circumstances of which are detailed in the Colonel's report, (Enclosure No. 18.)

No. 17.
No. 18.

I would rather, perhaps, that this event had not occurred thus, inasmuch as it may, however unjustly and unfairly, be made a handle of by a party at home. For Hintza, individually, he richly deserved the fate which he brought upon himself, and which he had earned by a series of acts of flagrant bad faith, aggression and injury to the colony; having been the author and prime mover of the horrors which so recently covered it with blood and ashes. He had, within a few days of his death, sufficiently proved what he was, and what he would have been to the last, a treacherous, ungrateful and cunning savage, whom no obligations could bind, and no benefits attach; and his blood, most unintentionally shed, has saved, in all probability, that of many of our people as well as of his own.

By the "Notice," Enclosure No. 19, your Lordship will be informed of the subsequent

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sequent movements and events to the 24th May, of the treaty with Crielie, and of his return to take possession of his inheritance, which he has since informed me that he has securely done, with very strong expressions of gratitude for his treatment while in my camp, and for my support and countenance, which contributed to place him in his seat, sending in, at the same time, cattle in progressive fulfilment of his engagements, and promising his best endeavours to complete it.

No. 20.

The enclosed "Notice," (No. 20) contains whatever has occurred since that of the 24th of May (No. 19), and concludes the series to the present period, and I have reports from Colonel Smith to the evening of the 16th, when all was going on well in the new province. I am not aware that I can usefully add anything in the way of detail of what has passed; as, however, I have reason to believe that the important measure of extension will be assailed by Dr. Philip, and of course by the London mission, on the ground of injustice in itself, and very probably (since it is a party peculiarly liable to exaggeration in statement, where an object or theory is to be supported) of severity in its execution, I think it may be right to inclose an address (that otherwise I should not have done) which I have received from the whole body of the Wesleyan mission here, seven in number, all well versed in the subject by long residence in Caffreland, and all intimately acquainted with the passing events of the period, since they were residing in various parts of it, or on the immediate frontier, when the Caffre coalition attacked the colony, and have continued so ever since; and I consider the unqualified opinion which this address gives on the subject of no little value, since, collectively and individually, the characters, doctrine and proceedings of this missionary body will bear the strictest scrutiny, and since their information is derived from close and personal observation.

No. 21.

That opinion, as your Lordship will perceive, states, "their conviction of the wantonness, cruelty and ingratitude of the Caffre aggression; of the consequent justice of the course which it has been my indispensable duty to avenge, and that this duty has been discharged in accordance with the principles of mercy."

No. 22.

The enclosed skeleton sketch will serve to inform your Lordship, in a considerable degree, of the extent and position of the territory which I have thus provisionally annexed to His Majesty's colonial dominions, and of its relation to the colony as before existing; and I am bound here to repeat my deliberate opinion, that if the new province be not retained, the districts of Albany certainly, and of the greater part of Somerset probably, will be inevitably abandoned and deserted.

I have said in a former part of this despatch, that it will require a less expenditure in fortifications, and fewer troops to maintain the colony, with its new boundary than it will with its old one, whereupon it may suffice here to observe, that the necessary outlay in fortifying the posts of the old line will much exceed that which will be required for the new; and with regard to troops (requesting your Lordship's reference to the comparative statements in my despatch No. 7, of 21st January last, of those serving in the colony in 1819-20, and at the present time), that the British force now consists of

Strength in Round Numbers
of Rank and File.

One Company Royal Artillery	-	-	-	-	70
Half a Company of Sappers	-	-	-	-	40
Three Battalions of Infantry	-	-	-	-	1,370 *
TOTAL					1,480

These at their
proper strength
should be 1,500.

Note.—The present establishment of a battalion should give an average force of 500; but they seldom are of that strength on a distant station, even on a healthy one like this.

If the old boundary remain, I conceive that the colony will require to maintain and defend it

Rank and File.

Three Companies of Royal Artillery (of 80)	-	-	-	-	240
Two of Sappers (of 80)	-	-	-	-	160
Six Battalions (of 500)	-	-	-	-	3,000
TOTAL					3,400

If the new boundary be adopted, it is my opinion that there will be required

	Rank and File.
Two Companies of Royal Artillery (80)	160
One ditto Sappers	80
Five Battalions (500)	2,500
TOTAL	2,740

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In either case the Hottentot cavalry which (with reference still to my despatches of 21st January, of 27th February and of the 19th March,) I have now increased from 200 to nearly 400, must be made to amount to a regiment of 800; and the Hottentot infantry which I have formed, 1,200, (two battalions of 600 each,) to amount to 1,600 (or two battalions of 800 each).

I have thought it right here to give your Lordship my unreserved and carefully-formed opinion upon this point, and shall only add (*en passant*) that the low price of rations in this colony renders the maintenance of troops far less expensive in that regard than in any that I am acquainted with, while it is a half-way station to India, the Mauritius and New South Wales. As the operations have approached a close, I have not failed to discontinue the field establishment of divisions, that of two of them having ceased in the middle of May, and the two others in the middle of this month, and I have diminished, and am diminishing, the military expenditure, by every means in my power. The fortified posts of occupation and communication constructed in the new province, have been thrown up without expenses by the troops, and will become permanent, with no other addition than that of stone revetments, which will cost nothing, as quarries of good stone abound in the neighbourhood.

I will now conclude a despatch which I am afraid your Lordship will have found too long for your patience, but which I have not been able to abridge, by a report of the principal medical officer, showing the number of casualties in the late operations, and of the general health of the troops, which is very satisfactory.

(3, in No. 20.)

My opinion of Colonel Smith, and of all the troops, is so fully expressed in different documents annexed to this despatch, that it would be superfluous to add anything here in their praise; and whatever may be the judgment formed of the measures which I have held it necessary to adopt, I entreat your Lordship to lay their faithful services, with my humble duty, at the feet of His Majesty.

Lieutenant Beresford of the Royal Fusileers, my aide-de-camp, will have the honour of delivering this despatch to your Lordship. He is a very intelligent young officer, and as he has been entirely in my confidence, is quite competent to afford any information upon all that has passed here, which my despatch may not have sufficiently conveyed. I request permission to recommend him to your Lordship's protection.

I have, &c.

(signed) B. D'Urban.

(Enclosure 1, in No. 3.)

GENERAL ORDERS.

Head Quarters, Graham's Town, 16th March 1835.

1. THE force now assembling for operations beyond the eastern frontier will be for the present distributed into four divisions. Encl. 1, in No. 3.

Colonel Smith, c. B., will be the second in command, continuing at the same time in the performance of his duties as chief of the staff to the united regular and burgher forces.

The first division (with which will be the head-quarters of the commander in chief) will be commanded by Lieutenant-colonel Peddie, k. H., 72d Highlanders; the second by Lieutenant-colonel Somerset, k. H.; the third by Major Cox, of the 75th Regiment; the fourth by Field-commandant Van Wyk. The troops which will respectively belong to these divisions will be hereafter designated.

2. The forces which will then remain on the eastern frontier, and within the districts of Somerset and Albany, as well burghers as regulars, will be under the command of Lieut.-Col. England, (to whom a state of them will be duly furnished,) who will take upon himself the charge of the first line of defence of that frontier, and fix his head-quarters at Graham's Town.

This line extends in its front from the Winterberg, including the Kat River and settlement thereon, Camp Adelaide and the Chumie and Keishkamma Rivers, with the Forts Beaufort and Willshire, to the sea.

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3. The means and resources of the above two districts for all purposes of military defence, arrangements and communication, are placed at the disposal of Colonel England, and he will put himself in communication with the civil commissioner of these districts, and with those of Uitenhage and Graaff Reinet respectively.

4. He will also place himself in communication with Colonel Cuyler, commanding the burgher force and posts of defence of the district of Uitenhage (forming the second line of frontier defence), and these officers will mutually assist and co-operate with each other.

5. Colonel Cuyler will accordingly take upon himself the charge of all the local posts of defence, including those of the Zuurberg, within the districts of Uitenhage, excepting Port Elizabeth, which is a fortress under an especial commandant, with whom however he will be in communication, each affording to the other reciprocal assistance in all that may be necessary.

6. The Colonels England and Cuyler will respectively act upon their own judgment and discretion, during the absence of the commander-in-chief, observing a few heads of general instruction, which will be duly communicated to them, as far as these may be applicable to the existing circumstances of the period.

(signed) H. G. Smith, Colonel,
Chief of the Staff.

(Enclosure 2, in No. 3.)

(Confidential.)

Head Quarters, Graham's Town, 22 March 1835.

Encl. 2, in No. 3.

INSTRUCTIONS for Colonel England, commanding the first Line of Frontier Defence, in the absence of the Force about to be employed beyond the Frontier, and with reference to the General Orders of the 10th March 1835.

I. THE force at the disposal of Colonel England is, as in the annexed state, 1,989 of all arms.

II. He must regard Graham's Town as the main object and pivot of all his defensive measures; with reference to which, although it is by no means proposed in these instructions to interfere with his military judgment in such details as contingencies and the circumstances of the moment may at any time appear to demand, the following disposition of his force will, in the first instance, be made:

III. Camp Adelaide will remain with its own particular and appropriate force, viz.

OFFICERS:

Captain Armstrong	-	Royal Artillery, one 3-pounder.	
		Cavalry - - - 31, Cape M. Rifles	} Effective number, exclusive of Royal Artillery, Sappers and Miners, &c. 533.
		Ditto - - - 115, Fd Cornet Groepe	
		Infantry - - - 387 - ditto - -	

2. Fort Beaufort:

Captain Boyes	-	Royal Artillery, one 6-pounder.	
Major Blakeway	-	Cavalry - - - 30, Major Blakeway's Levy	} 150.
		Infantry - - - 70, one company 75th	
		Ditto - - - 50, Major Blakeway's Levy	

3. Hermann's Kraal:

Lieutenant Brown, 75th	Cavalry - - - 8, 75th Regt.	} two of these with every express, the others from the Br Cavalry.
	Ditto - - - 36, Port Elizabeth	
	Infantry - - - 30, 75th Regiment	

4. Double Drift:

Captain Van der Riet	-	Cavalry - - - 44, George Town Burghers	} 64.
		Infantry - - - 20, Blakeway's Levy	

5. Fort Willshire:

Captain Hallifax, 75th	Royal Artillery, two 9-pounders, one 4 $\frac{2}{3}$ howitzer.	
	Cavalry - - - 27, Blakeway's Levy	} 129.
	Infantry - - - 70, one company 75th	
	Ditto - - - 32, Blakeway's Levy	

The whole of this
under the charge of
Captain Hallifax.

Along the Right Bank of the Keishkamma:

Burgher Cavalry	-	{ 30, Baba's Old Kraal -	} 80 Graaff Reinet Burghers.
		{ 30, near Somerset Mount -	
		{ 20, Gualana Post -	

In communication with Pato and Kama on the right, and Cawood's in the rear.

6. Right Bank of the Kat and Fish Rivers:

All these under an English Officer, Cap- tain Tyssen, 75th.	Graaff Reinet Burghers	{ 1. Cawood's - - 25	} 115 30 145	} Disposable for patrolling, as may be required.
		{ 2. Waay Plaats - -		
		{ 3. Forbe's House - 40		

7. Graham's Town, Head-quarters.

Colonel England, 75th	Royal Artillery, four 6-pounders, one 5 $\frac{1}{2}$ howitzer, one 4 $\frac{2}{3}$ ditto.		
	Cavalry - - - 40, 75th Regiment	} 633.	
			30, Graham's Town Troop
	Infantry - - - 210, three companies 75th Reg.		
	Ditto - - - 353, Graham's Town Volunteers		

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Jans Woert, F ^d Cornet -	8. New Year's River Post;				} 31.
	Cavalry - - -	11	Albany	Burghers	
		20	Beaufort	ditto	
F ^d Cornet Van Voorew	9.				} 61, Beaufort.
	Klipplaat Fontein - - -	20			
	Paul Bester's - - -	20			
	Burnt Kraal - - -	21			

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IV. If a body of Caffres should at any time succeed, notwithstanding the troops in advance, and the posts of observation on the Keishkamma ridge below Fort Willshire, in passing into the Fish River Bush, Colonel England will weigh the chances of success in an attempt to drive them out of it, without detaching from his central strength at Graham's Town; that is, by means of the troops of his right alone; combining, however, corresponding movements of those on the Keishkamma ridge with those from the side of Waay Plaats; and unless he is reasonably satisfied of success, he will not attempt it; not ceasing, however, to disquiet and harass the Caffres by his patrols in force, on their rear from the Keishkamma ridge, on their flanks from the Gualana and Committy's Drift, and in their front from the Waay Plaats.

His proper line of defence on the right will then be, from Governor's Kopt, by Waay Plaats, in the centre, to Cawood's on the right, looking well to Committy's Drift and Hermann's Kraal, and his main object will be to prevent the enemy from getting over the Kap and the Kooms into the Kowie country, and so penetrating farther westwards: for this end he will not hesitate, if he should find it absolutely necessary, to withdraw a part of his cavalry from the line of the Keishkamma, to render that of the Waay Plaats more secure.

It may, perhaps, become impracticable for him to keep the country between the Fish River and the lower Keishkamma clear of the Caffres; nor is this of comparative importance to the preserving unpenetrated the line of the Waay Plaats, which he must do by every possible means; and he must assemble at Bathurst every able inhabitant of that place that can be collected.

V. If Caffres should come down from the Koonap side (which they are not likely to do in force) towards the passes of De Bruin's Poort and Kooster's Drift, or the Fish River above Graham's Town, Colonel England will strengthen his posts in that direction, at Burnt Kraal and Paul Bester's, moving thence higher up the river if necessary, to impede the passage of the Caffres to the New-year River's Poort (where he has a post of 31 cavalry), which leads into the Zuurberg; and if at the time of such an occurrence he should not have any enemy upon his hands on the right, he may use some of his cavalry with effect, by a rapid movement of it to his left, to the aid of the posts above mentioned.

VI. He will send to every post of burghers, on its first occupation, an officer to point out to them the necessary measures to be taken for look-out and defence; and he will, as far as possible, cause every post, intended to be held for a few days, to be entrenched and abatised.

VII. These general principles held in view, Colonel England must act upon his judgment, and according to the circumstances and exigencies of the period, which it is impossible farther to anticipate here.

VIII. Colonel England will not fail to communicate, by every occasion, to the Commander-in-chief at head-quarters.

IX. Colonel England will be so good to observe the most rigid economy in the issue of all stores, whether commissariat or ordnance; to the latter his attention is especially requested, and he will take care always to preserve 100 spare muskets in store.

X. All fatigue parties in Graham's Town must be furnished by the regular troops, upon the requisition of the commissary-general or ordnance storekeeper; and the volunteers of the town should not be employed in these duties, excepting in cases of a necessity so apparent and extraordinary that it may be reasonably obvious to their commanding officer.

XI. Colonel England will be so good to take care that no difficulty, delay or impediment is suffered to obstruct the dispatch of the commissariat convoys, which is of such vital importance that all ordinary considerations must be made to give way to it.

XII. Colonel England is authorized to enrol, to the number of 400, Hottentots for the service of the two provisional battalions of colonial infantry, of which they are to be considered as detachments; but to be retained by him in the meantime for the service of the first line of defence, and applied to its duties as he may think best.

He will accordingly arm them to the extent of his means, and organize them temporarily by such officers and non-commissioned officers as he can find for the purpose; but they should all be collected in the first instance under Major Wood, who has the charge of the Hottentot recruiting dépôt, and who will provide them with the absolutely necessary equipments, in like manner as the others; in which provision Colonel England is requested to exercise the most exact economy consistent with the necessary comfort and health of the men.

No. 3.

Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

Encl. 2, in No. 3.

XIII. *Memorandum*:—Colonel Cuyler has established posts in the bordering district of Uitenhage, as follows:

- | | |
|---------------------------|----------------------|
| 1. Enow. | 7. Jager's Drift. |
| 2. Rietbergh (or Stolly). | 8. Riet Vlie. |
| 3. Sandflats. | 9. Hans Scheper's. |
| 4. Rautenback's Drift. | 10. Haddo's Drift. |
| 5. Quagga's Flat. | 11. Conhami's Drift. |
| 6. Well Devriede. | |

(signed) *B. D'Urban*, Major-General,

C. in C.

To Lieut.-Colonel England,
commanding the first Line of Frontier Defence.

P. S. MEMORANDUM, 28th March 1835, with reference to Nos. 5 & 6 of the Instructions for the Defensive Line, of 22d March.

A careful examination of this ground on the 26th, 27th and 28th of March, leads to the following alterations in the disposition of the Graaff Reinet Burgher Cavalry, whose force is actually = 245.

		No. 5:	
Captain Hallifax	-	100.	
		1. 50 at Committy's Hill (Breakfast Vlee Hill) upon the table overseeing the ravines running down westwards to the Fish River, and eastwards to the Keishkamma, looking well out, and communicating with Fort Willshire, and with No. 2.	
		2. 50 between Mount Somerset and the Gualana Post (near Colonel Somerset's camp of the 27th March).	
		No. 6:	
Captain Tyssen	-	145	
		1. Cawood's	- - 25
		2. Waay Plaats	- 40
		3. Governor's Kopt	50
		115, and leaving disposable,	
		30 as Col. England and Capt.	
		Tyssen may think best for	
		145 observing the Fish River.	

B. D.

(Enclosure 3, in No. 3.)

(Confidential.)

Graham's Town, 22 Feb. 1835.

Encl. 3, in No. 3.

GENERAL arrangement for an advance into Caffreland, the defensive line and posts being first duly provided for*.

1. The distribution of the troops for this operation will consist of a central force and two strong flanking corps.

2. Its base of departure, the Keishkamma and Chumie Rivers.

3. Its object, to advance eastwards beyond the Great Kye River, and to conclude its operations in the country of Hintza; although in its progress it may be requisite to bring up occasionally either shoulder a little as this may be required.

4. The main depôts of provisions on this base, Fort Willshire and Fort Beaufort, and perhaps Camp Adelaide.

5. It will, in the first instance, take up a central camp of assembly and regulation, upon the right bank of the Keishkamma, near the ground where the roads of communication from Fort Willshire, Mount Somerset, Hermann's Kraal and Fort Beaufort unite.

Its right flanking corps about Mount Somerset. Its extreme left flank corps about Camp Adelaide and the Oss Kraal Revier; and, if requisite, a left central detachment of communication about the Block Drift.

6. From these points of assembly the whole will move—

1. The centre advancing, in the first instance, to a camp on the flats of the Deba.

2. The right flanking corps moving upon the Buffalo and Gonube Rivers.

3. The left flanking corps from Oss Kraal Revier, along the Kabousie and the Kye.

4. As these flank movements advance, the centre to move correspondingly, from the Deba across the Buffalo towards the Gonube, and

5. The whole arriving at a rendezvous or camp of re-assembly on the ground at the head of the Gonube, where Colonel Somerset encamped in 1828.

6. From thence the farther operations beyond the Kye into the country of Hintza, and perhaps to the Bashee, to be arranged and carried on according to the circumstances of the period.

Some of the general movements may be varied and their details require filling up, but the above

* At this period the hostile tribes, after their expulsion from the Fish River and Lower Keishkamma, and their defeat at Camp Adelaide, were reported to have gone behind the Buffalo, and thence to the Kye, falling back upon the ultimate support of Hintza.—(signed) *B. D.*

above must be the general scope, range and object of the whole design and consequent arrangement.

And to it the distribution of the troops which I will presently make, and of the commissariat, must correspond.

(signed) *B. D'Urban.*

No. 3.
Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

* P.S. 1 March 1835. If, according to subsequent accounts of Van Wyk, and in some measure corroborated by others, Hintza has moved his main force to the sources of the Kye, and Tyali has thrown his people (probably with Macomo) into the range above the sources of the Keishkamma and Buffalo, running eastward to the sources of the Kabousie, (*i.e.*) Poorts of the Buffalo :

Then, when the centre advances to the Deba, a left centre corps, issuing from Fort Beaufort, and debouching by the head of the Mancasana, must move along that range ; Van Wyk moving from "Oss Kraal Revier" correspondingly ; and at the same time the right flanking corps moving rapidly forward upon the lower Buffalo (sending back all cattle to the Deba), will then bring up its right shoulder, and sweep round between the Buffalo and Kabousie ; the centre, united finally with one or more of the flanking corps, in proper time moving straight over the Kye by the high road into Caffreland and the country of Hintza.

(signed) *B. D'Urban.*

Encl. 3. in No. 3.

(Enclosure 4, in No. 3.)

NOTICE.

Head Quarters on the Keishkamma, 30 March 1833.

At two o'clock on the morning of the 26th instant, Colonel Smith left the camp with a force consisting of detachments respectively from the Cape Mounted Rifle Corps, Swellendam Burghers, Albany Burghers, and the corps of guides, passed the Keishkamma, and, after a march of 30 miles, attacked one of the enemy's settlements on the Umdesina, under the Amatola Hills, upon the strong woody grounds of which the Caffres were collected in considerable numbers, and from which they were driven, leaving in Colonel Smith's hands 1,200 head of cattle, which, after destroying the settlement, he brought back to the camp at 12 o'clock the same night, having thus made a march of 60 miles in 22 hours, besides the operations against the enemy.

Encl. 4. in No. 3.

This enterprize was as judiciously planned as it was resolutely and successfully executed.

The rapidity of the movement, the promptness and gallantry with which the enemy were attacked as soon as they were discovered, and the well conducted return to the camp with the whole of the cattle taken, have been alike remarkable, and do the greatest credit to Colonel Smith and the officers and detachments employed.

Of all these Colonel Smith speaks in warm terms of praise, and especially of the veteran Field-commandant Linde, of the Swellendam Burgher Force ; of the Field-commandant Dreyer, of the Albany Burgher Force ; of Lieutenant Balfour, of the 72d Highlanders, aide-de-camp ; of Ensign Lowen, of the Cape Mounted Rifle Corps ; and of Messrs. Bowker, Southey and Driver, of the Corps of Guides.

The cattle taken were generally very beautiful, and in excellent condition ; and some of them have been already recognized by their owners as having been carried off from the colony.

It is very gratifying that this successful enterprize has been achieved without any loss of life on our part, and with only one man wounded.

By Command of his Excellency the Governor and Commander-in-chief,

W. H. Dutton, Major,
Military Secretary.

(Enclosure 5, in No. 3.)

GENERAL ORDERS.

Head Quarters, Camp on the Keishkamma, 29 March 1835.

With reference to the General Orders of the 16th instant, the 1st division of the invading force will consist of, two guns Royal Artillery, detachment of the Cape Mounted Rifles, 72d Highlanders, 1st battalion Provisional Infantry, Swellendam Burgher Force.

Encl. 5, in No. 3.

2d Division.—Two guns Royal Artillery, Cape Mounted Rifle Corps, head quarters ; George Burgher Force, Uitenhage ditto, Albany ditto.

3d Division.

* At this period it was reported that the hostile tribes (with the exception of "TSambie", who had remained upon the Lower Buffalo and Kye, had thrown themselves into the Amatola, and the mountains connected therewith, above the sources of the Keishkamma and Buffalo, and so communicating with Hintza, who for that purpose had gone up from his usual residence on the Gona to the Tsomo and Amavi (Upper Kye), thus getting into close connexion with the sources "Poorts of the Buffalo." This required this alteration in the details of the general arrangement, without interfering however with its principle.—(signed) *B. D.*

No. 3.

Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

Encl. 5, in No. 3.

3d Division.—Two guns Royal Artillery, detachment Cape Mounted Rifles, 2d battalion Provisional Infantry, detachment Swellendam Burgher Force, Beaufort Burgher Force, Kat River Legion.

4th Division.—Somerset Burgher Force.

The officers in command of these divisions, and Lieutenant-colonel England commanding the line of frontier defence, will, severally, receive 10 s. a day, and be allowed a field-adjutant at 5 s. per day, with forage for an additional horse for themselves and for these officers respectively.

Captain Hallifax, 75th regiment, is appointed temporary commandant of Fort Willshire, and will receive an allowance of 5 s. a day, and an additional ration of forage.

Appointments.—To be Field-Adjutants :

1st Division.—Lieutenant and Adjutant Adair, 72d Highlanders.

2d Division.—Mr. Featherstone (already appointed).

3d Division.—Lieutenant Sutton, 75th regiment.

4th Division.—To be hereafter nominated.

Officers commanding divisions will immediately transmit to head quarters a state of their divisions, and a weekly state, as occasion may offer, on the 1st, 7th, 14th and 21st of each month, specifying at the bottom of the return the number of days' provisions and forage in reserve.

An intermediate hospital having been established at Fort Willshire, the orderly and cook will receive an allowance of 6 d. per diem.

The commissariat officer at Fort Willshire will issue, upon the requisition of the medical officer in charge, approved by the officer commanding the troops, such supplies of meat, bread, rice, tea, sugar, soap and candles, as may be required for this hospital.

(signed) *H. G. Smith*, Colonel,
Chief of the Staff.

(Enclosure 6, in No. 3.)

NOTICE.

Head Quarters, Camp between the Gonube and the Kye, 13 April 1835.

Encl. 6, in No. 3.

ON the 28th March, the Commander-in-chief, having completed his arrangements for the first and second lines of frontier defence, and inspected the former of these lines (as far as it embraced the country of the Botha's Hill and Waay Plaats Range, and of the Great Fish and Keishkamma Rivers, from the sea to Fort Willshire), arrived in the central camp of the troops assembled for the invasion of Caffreland, which had been placed for that purpose as follows :—

Officers command-
ing.

1. Col. Peddie, K.H.
2. Col. Somerset, K.H.
3. Major Cox.
4. Field-comm^t
Van Wyk.

The 1st division (with the head quarters) opposite the Fort Willshire Drift Ford of the Keishkamma.

The 2d near Mount Somerset, opposite the Line Drift Ford.

The 3d at Fort Beaufort, opposite the Block Drift Ford of the Chumie.

The 4th on the Klipplaat River, near the Moravian Mission station "Shiloh." Of these the 2d and 4th were all cavalry.

Each division had with it a month's supplies, and the depôts for renewing them had been formed at Fort Willshire and Fort Beaufort.

By this disposition, the troops at once preserved a strong defensive attitude on the frontier to the last, and were placed in the best relative positions for offensive operations afterwards ; since, under any circumstances, the centre of the advancing force would have been directed in the first instance on the Deba, and the high road into Caffreland ; the flanking divisions moving correspondingly.

At this time it appeared that the hostile tribes of the chiefs Tyalie, Macomo, Enno, Bothman, TSambie, Dushanie, &c., who had devastated the districts of the colonial border in December and January, had (since their last unsuccessful attempt to penetrate into the colony by the Fish River and Waay Plaats early in March, and the severe chastisement which they had then incurred) thrown themselves into the mountain chain, from the Chumie eastwards, including the Amatola, the Tabin-doda and their dependencies, and extending to and connecting with the Buffalo Mountains, above the sources of the Keishkamma and Buffalo, and closing in the basin of woody ravines called "The Poorts of the Buffalo ;" where they possessed the advantage of a ready communication with the chief Hintza, who had some months before come up for that purpose to the country of the Amavi, on the Upper Kye, and who, it was well known, had all along covertly countenanced their proceedings against the colony, and received into his country large quantities of the plundered cattle, horses, sheep, &c.

On the 30th and 31st March, the three right divisions broke up from their respective camps, and moved, the 1st division and head quarters on the Deba, where it encamped under the southern base of the Tabin-doda, on the 1st of April ; the 2d division along the country up the left bank of the Keishkamma, clearing it in its course of all straggling parties of the enemy, joining head quarters and the 1st division, encamped also on the Deba on the 1st ; the 3d to the Block Drift Ford of the Chumie ; and the 4th, moving from the Klipplaat River by the Bontebock Flats, was directed upon the northern side of the Keishkamma and Buffalo Mountains.

In the course of the 1st and 2d of April, it had been ascertained that the chief Tyalie was in his usual retreat, the lesser Amatola, and that the other chiefs were also in connexion with him, and in the chain of mountains above described, which was corroborated by their fires along the Amatola and Tabin-doda.

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In consequence of this, in the night of the 2d and morning of the 3d April, a series of concentric operations commenced, and continued, all the divisions co-operating; the 1st and 3d acting in the mountains, the 2d and 4th flanking the movements along the northern and southern bases of the hills respectively, by which corresponding portions of the range were successively cleared of the Caffres, who retired eastwards, until the chiefs mentioned above, with their followers, were all congregated in the fastnesses of "The Poorts of the Buffalo;" where, the troops having been well drawn round them, and placed at their respective points of attack on the evening of the 8th, they were attacked early in the morning of the 9th, and these operations concluded early in the morning of the 10th; the assembled chiefs being everywhere driven from their ground, and dispersed through the woods and mountains, each seeking separate shelter as they could find it, disheartened and dismayed (as was known by their women and deserters), and none having escaped into the valley of the Buffalo, or in the direction of the Kye, which had been watched by the cavalry of the 2d and 4th divisions. A considerable number of the Hottentots, who had been carried off in December, now deserted the Caffres, and came in, with their arms.

These operations from the 1st April to the 12th inclusive, cost the enemy a great loss in killed and wounded; several of their chiefs (one a son of Enno), and altogether about 15,000 head of cattle, taken and sent into the colony; and, above all other advantages, they have been taught, which they had not been in any former war, (when besides they had no guns,) that, no matter what may be the strength and impervious nature of the glens and mountains in which they may harbour, they will be closed with unhesitatingly by the troops penetrating to them in all directions, and as certainly defeated in the hand to hand combats resulting from this mode of attack.

This done, the Commander-in-chief, on the evening of the 10th, directed the 3d division, under Major Cox, to remain upon the theatre of the recent operations, and incessantly to pursue, attack and harass all the straggling parties of the enemy, allowing them no repose, and by these means preventing them from banding together for any mischievous purpose to the colonial border during the farther advance of the invading force (which arrangement also protects the communications with it by the high road over the Deba). To render this security to the frontier more effectual, the 4th division, under the Field-commandant Van Wyk, was at the same time sent to take post in the country of the Chumie, for the present, where it will be disposable, not only as an immediate re-inforcement to the defences of that portion of the border, but be enabled to detach parties of his cavalry to sweep the country towards the Chalumna, and left bank of the Lower Keishkamma, and drive into the colony the cattle collected by the enemy in that direction.

Having made these arrangements, the Commander-in-chief moved on the 11th, with the 1st division, upon the Kye, by the high road over the Buffalo and Gonube Rivers (according to his original plan of operations), sending, on the morning of the 10th, the 2d division along the country, down the banks of those rivers towards the sea, with orders to attack and vigorously follow up, all bodies of Caffres which might fall in its way (that country having been their resort for securing their cattle), and then to rejoin his head quarters on the Gonube, on his onwards route to enter the territories of Hintza, with whom there is an account to settle. Colonel Somerset reports his having killed a chief and about 30 Caffres, and taken nearly 3,000 head of cattle.

It is quite impossible to speak too highly of the troops employed in these operations; their excellent discipline, the correct precision with which they have executed the various combinations for flanking and hemming in the enemy, the patient perseverance with which they have endured extraordinary fatigue, and penetrated the fastnesses of the mountains, and the brilliant gallantry with which, forcing their way into the woody ravines to reach the Caffres, they have closed with and defeated them wherever they were to be found, have been alike beyond all praise. The new Hottentot levies have behaved admirably well, deserving equal mention with the old soldiers, and the annexed General Orders will attest the Commander-in-chief's appreciation of the merits of all.

Meanwhile it is most gratifying that the killed and wounded in all these affairs have only amounted to the numbers in the following list (the two marked (*) being the result of accidents), that the latter have all, with two exceptions, done well, and that there is scarcely a sick man in any of the divisions.

By Command of his Excellency the Commander-in-chief,

(signed) *W. H. Dutton*, Major,
Acting Military Secretary.

(Sub-Enclosure 1, in Enclosure 6.)

GENERAL ORDERS.

Camp before the Poorts of the Buffalo, 10 April 1835.

THE Commander-in-chief was much gratified by the well directed movements and very gallant conduct of the troops who composed the patrol under Colonel Smith in the Buffalo Mountain, on the 7th instant*.

* Being detachments of the 72d Highlanders, Cape Md. Rifles, Corps of Guides, 1st Provisional Battalion, Swellendam Burghers.

No. 3.
Sir B. D'Urbau
to the Earl of
Aberdeen,
19 June 1835.

Encl. 6, in No. 3.

Gen. Orders 10th &
13th April,
Nos. 1 & 2.

Sub-Enclosure 1,
in Enclosure 6.

No. 3.
Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

In this brilliant affair, the Captains Murray of the 72d Regiment, Crauze, Baillie, Gilfillan and Cowderoy, of the 1st Provincial Battalion, were distinguished, and Colonel Smith acknowledges the assistance he derived from Lieut. Balfour, his acting aide-de-camp, and from field-commandant Linde, of the Swellendam Burghers.

But the intrepid and determined perseverance of Captain Murray of the 72d Highlanders (who although severely wounded, continued his exertions to the end of the day), and of his company of the 72d, were of the highest order, and deserve the especial praise of the Commander-in-chief.

(signed) *H. G. Smith*, Colonel,
Chief of the Staff.

(Sub-Enclosure 2, in Enclosure 6.)

GENERAL ORDERS.

Head Quarters, between the Gonube and the Kye,
13th April 1835.

Sub-Enclosure 2,
in Enclosure 6.

1st. The Commander-in-chief has great pleasure in being now enabled to congratulate the troops upon the result of the indefatigable and well disciplined exertions with which they have executed the combined and successful operations in Caffreland, from the 1st to the 12th instant. These have been very successful.

2d. The hostile chiefs of the Caffre tribes, Tyalie, Macomo, Enno, Bothman, and others; the unprovoked perpetrators of so many atrocities in the colony, were at length compelled to assemble in the rocky woods of the Poorts of the Buffalo, with their followers, to the number of at least 7,000 men, and had avowed their intention of defending themselves there to the last.

From these fastnesses, however, notwithstanding their impervious nature, they were immediately driven; the troops penetrating them every where, each column in its ordered course; and they have dispersed and scattered in various directions, disheartened and dismayed, with a great loss in killed and wounded (among which are some of the sons and relations of their chiefs), and in cattle to the number of 9,000 or 10,000 head, and incessantly assailed and harassed by the two divisions which had been left to pursue them.

The Commander-in-chief desires to express his warmest approbation of the conduct of all the troops; their excellent marching, their patient endurance of fatigue, their persevering efforts in piercing through the thick woods and rugged mountains with which they have had to contend, and the brilliant gallantry with which they drove the enemy before them wherever they were to be found, alike deserve his praise, and the thanks which he offers to Colonel Peddie, commanding the first division, Colonel Somerset, commanding the second division, Major Cox, commanding the third, and the field commander Van Wyk, commanding the fourth, and to the officers and soldiers of their respective divisions.

5th. The Commander-in-chief also returns his thanks to Colonel Smith and the officers of the general staff, to Dr. Murray and the officers of the medical staff, to Mr. Trotter and the officers of the commissariat, to Major Mitchell the surveyor-general, and to Major Dutton and Lieutenant Beresford of his personal staff, for their exertions, and the efficiency of their respective departments, and for the assistance which they have rendered him throughout these operations.

(signed) *H. G. Smith*, Colonel,
Chief of the Staff.

(Enclosure 7, in No. 3.)

NOTICE.

Head Quarters, Camp on the Dabakayi, 3 May 1835.

Encl. 7, in No. 3.

SINCE the "Notice" of the 13th April last, from "the camp between the Gonube and the Kye," (and with reference to it) the following movements and events have taken place. On the 15th April the Commander-in-chief crossed the Kye with the 1st division, and entered the country of Hintza, duly announcing to that chief the cause of this measure, namely, "to demand from him a satisfactory answer, hitherto withheld, to the official communications made to him in February and March last respectively, through the Commandant Van Wyk, and, if necessary, to enforce the fulfilment of the conditions therein proposed;" and inviting and requiring the chief to meet him in person to settle this question, without resorting to hostilities, from which he was informed that the British troops would abstain, awaiting a reasonable period for his answer, provided that his people committed no hostile act upon them. The adherence on our part to this promise was secured before crossing the Kye, by the General Order annexed, and was faithfully observed.

On the 17th the Commander-in-chief encamped with the 1st division on the Gona (near the late station of the Wesleyan Mission), the ordinary residence of Hintza before his recent removal to the Upper Kye, for the purpose of carrying on more readily his communications with the chiefs of the frontier, then in arms against the colony (with whom he had covertly coalesced), and of receiving his share of the colonial plunder.

On

No. 1, Gen. Order,
15th April.

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On the 20th the 2d division joined the head quarters on the Gona, its earlier junction having met with some delay, the horses being much fatigued.

On the 22d the Commander-in-chief, who, as soon as he had arrived at the Gona, had taken measures to open a communication with the English missionaries beyond the Bashee, (including the missionary formerly on the Gona, who had fled thither for refuge from the violence and rapine of Hintza,) and who had been made aware by their answer of the danger of their present situation, and their earnest desire to come away, detached an officer with a sufficient escort to bring them in security to his camp, in order to their afterwards proceeding to the colony, their farther stay in these countries being for the present at once utterly useless to the cause of religion, and very perilous to themselves.

Meanwhile the time appointed for the coming of Hintza to a conference had elapsed; it had been fixed at five days from the original communication made to him on the 15th April, which was ample for the purpose, since he was then known to be no more than a day's distance from the head quarters.

The Commander-in-chief, however, waited four additional days, and then (on the ninth day), when it had become manifest that the chief was studiously and evasively practising delay, and when, besides, his people had themselves broken the condition of the suspension of hostilities, by the murder of a British messenger, Armstrong, on the high road between the camp and the Kye, he, on the 24th April, called before him Couba, a councillor and captain of Hintza's, and known to be much in his confidence, (who had come into the camp as a spy,) recapitulated to him the cause of quarrel, proclaimed war with Hintza in his presence, and dismissed him to inform Hintza of it.

On the arrival of the Commander-in-chief on the Gona, he had found in the surrounding country a race of people called Fingoes, the remnant of a tribe (with their descendants) who, as it appears, had formerly inhabited a district farther eastwards, but had been since nearly exterminated by Chaka, the Zoulah, and having fled into Hintza's country for refuge, they were there converted into slaves, and held in the most degraded state of bondage, the Caffres exercising the power of life and death over them at will, and without appeal, and regarding them in little higher estimation than beasts; Hintza himself, in a recent conference, having said that they were his dogs, and expressed his surprise that he should be forbidden to kill them at his pleasure.

Nevertheless, they are represented as an industrious, gentle and well-disposed tribe; good herdsman, good agriculturists, and useful servants (withal well armed with shields and assagais, and practised in their use). They are extremely well spoken of by all the missionaries who have lived among them, whose ministry they regularly attended; and, indeed, they had contributed mainly to save the lives and property of the last missionary, Mr. Ayliffe, and his family, upon a recent occasion, and enabled them to escape to the Bashee.

The eight chiefs of their tribe (which amounts perhaps to 6,000 souls) had come to the Commander-in-chief in a body soon after his arrival on the Gona, and earnestly besought him, in the name and behalf of their people, to receive them under British protection, as subjects of the King of England, and that they might return to the colony with the troops, and be settled in or near it; they added, that the oppression of the Caffres of Hintza was so intolerable, and their apprehension of future danger from them so great, in consequence of the assistance they had recently afforded to the British missionaries, that they were determined, at any rate, to emigrate and seek some other country.

The Commander-in-chief having well weighed this question in all its bearings, came to the conclusion, that a compliance with their entreaty would be at once an act of the greatest beneficence in itself, as effecting the emancipation of 6,000 human beings from the very lowest and worst state of slavery, and in the true spirit of the sweeping emancipation so recently made by the mother country; while at the same time it would obviously assist his measures in the present war, and render, ultimately, a most important benefit to the colony; and with regard to Hintza and his people, this privation would be but an act of justice, as well on account of the cruel oppression which they have exercised towards these Fingoes, as of their treacherous and ungrateful conduct towards the colony, which had well merited this addition to the other chastisements prepared for them. He has therefore acceded to their wishes, received them as free British subjects, and will bring them back to the colony; where, if they be settled in the present uninhabited and worse than useless district between the Fish River and the Lower Keishkamma, they will soon convert it into a country abounding in cattle and corn, will furnish the best of all possible barriers against the entrance of Caffres into the Fish River Bush (so long a source of mortal apprehension and injury to the colony), and will besides afford to the colonists a plentiful supply of excellent hired servants.

In the meanwhile they are of essential use here as guides and cattle-drivers, and are, moreover, well disposed to fight against the Caffres.

On the 24th and 25th April, after declaring war and dismissing the councillor of Hintza, the Commander-in-chief moved with the 1st division towards the Tsomo, leaving the 2d division on the Gona, to renovate its horses, to secure the depôts, and communications by the ford of the Kye, and with the Bashee; and to receive and guard the captured cattle, which the commencing operations could not fail to produce.

On the 25th he encamped on the Izōlo (a tributary stream to the Tsomo, into which it falls a little above the confluence of the latter with the Kye); a convenient position for his present objects, being in the heart of Hintza's territory, and in the immediate neighbourhood of his residence; while it was, at the same time, a central point of communication from all the necessary quarters, and especially approximated more nearly to the 3d division on the Upper Buffalo.

No. 3.

Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

Encl. 7, in No. 3.

Macaleina, Un-
kusukaba, Ma-
backala, Jakmeni,
Maklaabiso,
Matomela, Um-
sutu, and Jama.

No. 3.
Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

Encl. 7, in No. 3.

During the 24th and 25th April, Colonel Smith, with a patrol of cavalry, moved to the right of the line of march by the head of the Gona, and succeeded, with a handful of men, by an extraordinary rapidity, and the exercise of that prompt and resolute decision which marks his character, in capturing and securing nearly 6,000 head of cattle; making two chiefs of Hintza's (Maguire and a brother of Chopo) prisoners, and occasioning the enemy some loss in men, with no loss to his own party.

It was an enterprize which has demanded the commendation of the Commander-in-chief; and Colonel Smith speaks very highly of the conduct of Captain Doyle, of the 72d regiment, assistant quartermaster-general; of Lieutenant Balfour, his aide-de-camp; and praises especially the intrepid conduct of the Field Cornets Nel and Greyling, of the Albany Burghers: these field cornets have been often distinguished during the present war, and are of great merit.

Colonel Smith, having rejoined the head quarters on the 25th April, again moved, on the morning of the 26th, with a small detachment of burgher horse, two companies of the 72d regiment, three of the 1st provisional battalion, and some of the corps of guides, crossed the Tsomo, penetrated into the mountains, to the residence of Hintza, whom he very nearly surprised; beat up the whole of the surrounding glens, and, after an arduous and most fatiguing duty, continuing through the 26th, 27th and 28th April (during the whole of which men and officers slept in the woods), brought in, altogether, from 9,000 to 10,000 head of beautiful cattle, some hundreds of which were colonial, and part of them the personal property of Hintza.

The admirable manner in which this enterprising officer's design was seconded by the resolute determination and indomitable perseverance of the troops, through all the difficulties of a rugged and precipitous mountain country, has well merited the warmest approbation of the Commander-in-chief. Colonel Smith speaks in the highest terms of the services of Major White, assistant quartermaster-general to the burgher force; Captains Murray and Craven, of the 72d; Crawse, Cowderoy and Gilfillan, of the 1st provisional battalion; of Lieutenant Wade, of the C. M. R.; of his aide-de-camp, Lieutenant Balfour, and of Mr. Driver, of the corps of guides.

Meanwhile these movements, and their results, had a due effect upon Hintza. The presence of this force in the heart of his country, and in the immediate neighbourhood of his residence; the narrow personal escape which he had himself experienced, together with the rapidly extending capture of cattle, had probably convinced him of the reality of the danger which his ingratitude and bad faith to the colony had provoked; and that the English power, upon the distance of which he had presumed for impunity when he insulted it, had reached him at last.

Under this impression, upon the Commander-in-chief's assurance of safe conduct for himself, and also that no other person would be admitted to treat for him, he came into the camp on the 29th April, with his ordinary retinue of 50 followers, and had an immediate conference with the Commander-in-chief, which, with its results, will be found in the annexed document, No. 2.

On the 30th April hostilities were accordingly suspended; and it is gratifying that the loss in the operations which have secured these results, is only to the amount returned in the annexed list, No. 3, and the troops have no sick.

The Commander-in-chief, on the 2d instant, moved with the 1st division to this camp, by which movement it has rejoined the 2d division, and being on the high road between the Gona and the ford of the Kye, is in a convenient position for sending off the captured cattle to the colony, and for awaiting the fulfilment of the treaty which Hintza has made, and for such ulterior measures as may become expedient.

The chief Hintza, and his principal son Hili, who has since joined him, together with his uncle Bookoo, continue, by his own desire, to reside in and move with the camp of the Commander-in-chief; and he has despatched his orders for the immediate collection of his first instalment, 25,000 head of cattle and 500 horses.

In the meanwhile, the Commander-in-chief, who had some time ago entered into an agreement of friendship and alliance with Vadana, chief of the Bossanie Tamboukies, on the Bashee, had sent to that chief a small detachment of cavalry, with some Fingoes, under Captain Warden, of the C. M. R., and this officer, in conjunction with a body of Vadana's warriors, had, on the 27th April, attacked Hintza's posts near the Bashee, defeated them and taken 4,000 head of cattle. Captain Warden's conduct on this occasion has especially merited the approbation of the Commander-in-chief.

At the same time, Fakoo, chief of the Amapondas, who had also been treated with, had announced his readiness to co-operate with the British troops on the south-eastern boundary of the country of Hintza, who being now aware of all this, also knows that his concession alone will have saved him and his country from the utter destruction which the letting loose upon him the tribes beyond the Bashee, in conjunction with us, would infallibly have brought upon them.

This position into which he has fallen may prove a salutary lesson to him how he again engages in schemes against the colony; and, in that case, it is better that he should remain the single and responsible chief of the country on the left bank of the Kye.

While these events were passing here, the 3d and 4th divisions, under Major Cox and the Commandant Van Wyk, have ably and efficiently executed the instructions with which those officers were charged when they remained on the other side of the Buffalo, "to harass and pursue the beaten and dispersed tribes of the frontier chiefs."

They have accordingly scoured the mountains and glens of the Chumie, Amatola, Keish-kamma and Buffalo, allowing the enemy no repose or resting place, and especially from the

17th to the 20th of last month, when they caused the Caffres a great loss in men, and captured and sent into the colony 5,000 head of cattle. In the Amatola and Chumie there are now no Caffres remaining.

In these active and continued operations, carried on in a country of mountains, very difficult to penetrate, the troops have evinced a patient endurance of fatigue, and a determined perseverance, which cannot be praised too highly.

The frontier chiefs and their scattered followers are now reaping the fruits of their treachery, bad faith and unprovoked atrocities towards the colony; and, disappointed of the support which they had expected from Hintza, of which the operations of the troops here have deprived them, they are wandering through the mountains seeking individual safety.

Meanwhile the colonial border has been so perfectly protected by the movements of the four divisions of the forces in Caffreland, that no Caffres, except here and there one or two straggling robbers, have crossed it since the day these troops took the field.

The following officers of the 3d and 4th divisions have especially merited the praise of the Commander-in-chief: The Field-commandant Van Wyk, Major Cox, Major Stockenstrom and Captain Stretch, of the 2d Provisional Battalion; Captain Jervis, of the 72d Regiment; Lieutenant Granet, C.M.R.; and Lieutenant Sutton, of the 75th Regiment, field-adjutant to the 3d division; as have the whole of the troops in Caffreland.

In truth, considering the amount of their aggregate force, the extent of the operations which they have carried on, the marches which they have made, the difficult country with which they have often had to contend, and the brilliant gallantry which they have never failed to show whenever there has been occasion for its exercise, together with the results which have been already obtained, between the 1st and 30th April, the Commander-in-chief feels it an act of justice here to record his great obligations to them all for their good services, and the expression of his warmest approbation and regard.

By command of his Excellency the Commander-in-chief,

(signed) *W. H. Dutton,*
Military Secretary.

(Sub-Enclosure 1 to Enclosure 7.)

GENERAL ORDERS.

Head Quarters upon the Kye, 15 April 1835.

1st. UPON crossing the River Kye the troops will enter a country, which, unless express orders be given to that effect, is not to be treated as an enemy's; commanding officers of corps will therefore explain very clearly to their men respectively, this difference between the country they are entering and that which they have quitted; and that, unless hostilities are committed first by the inhabitants upon them, or that they receive due orders for their guidance for that purpose, they are upon no account to commit an act of hostility, collectively or individually, upon the people or their property; no kraals must be burned or pillaged, nor gardens, woods or corn-fields meddled with but by regular parties, under officers appointed for the duty, to get the requisite supplies of vegetables, corn, &c., for the regulation of which orders will be issued through the chief of the staff. Commanding officers of corps are held responsible for these orders being rigidly observed; and any person belonging to these corps infringing them will be tried by a court-martial, and punished with the utmost rigour of military law.

If it be judged necessary or expedient to resort to measures of hostility, due notice will be given of it. In this state of affairs commanding officers will, however, not fail to perceive the necessity of observing the most careful discipline in their marches, camps, &c., keeping their people well together, and ready for any occurrence which may demand their acting with effect.

(signed) *H. G. Smith,* Colonel,
Chief of the Staff.

(Sub-Enclosure 2 to Enclosure 7.)

His Britannic Majesty's Governor of the Colony of the Cape of Good Hope, to Hintza, chief of the country on the left bank of the Middle and Lower Kye River, and the acknowledged principal chief and arbitrator of all the tribes of Caffreland westward of that river, to the frontier of the colony.

1. In the year 1828, Hintza was in imminent peril of being destroyed himself, with all his people, by the more warlike, and to him irresistible, tribes of the Fiteani. In his extremity he besought the assistance of the colonial government, which was granted. The troops of the colony (at great expense and inconvenience) marched to his aid, defeated the enemies of Hintza, and saved him, his people, and his country. This service rendered him (as great an one as one people can render to another) Hintza has himself acknowledged, and especially in express terms, as well personally in a conference with the commandant Van Wyk, in February last, as by one of his captains, Gnobo Gnobo, in a conference with the same commandant in March last.

2. Now what return has the chief Hintza made to His Majesty's colony for these unquestioned and acknowledged benefits received?

No. 3.
Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

Encl. 7, in No. 3.

Sub-Enclosure 1,
to Enclosure 7.

Sub-Enclosure 2,
to Enclosure 7.

No. 3.
Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

Sub-Enclosure 2,
to Enclosure 7.

In the end of last year (1834) the Caffre tribes on the colonial frontier, viz. of Tyalie, Macomo, Enno, Bothman, Dushanie, 'TSambie, Umhala and others, their connexions and dependants, some of them then living by permission and sufferance upon the colonial territory, in a period of profound peace and amity with the colony, and without any previous notice or declaration of war (and when, besides, the Governor was actually negotiating with them arrangements for conferring upon them advantages and benefits along the colonial borders, greater than they had ever before possessed,) suddenly commenced hostilities upon the colony, broke into the border at once, along the whole line from the Winterberg to the sea, wasting all the country with fire and sword, murdering the unprepared and defenceless inhabitants of the farms, pillaging the houses, and sweeping off all the cattle, horses, sheep, &c.

3. When these chiefs were preparing this unprovoked and atrocious aggression, by combining together, and arranging their measures for carrying it into effect, their intentions were well known to Hintza, who did not (as, being the acknowledged chief of Caffreland, it was in his power to have done, and as, considering his relations with, and great obligations to, the colonial government, he ought to have done) either discountenance or put a stop to their intended enterprize, or give any notice of it to the Governor, or to the colonial authorities on the frontier.

4. On the contrary, he afforded it his countenance and support, received into his country immense quantities of colonial cattle*, horses†, &c., plundered from the colony, gave harbour to the plunderers who had brought it thither, and even permitted or connived at some of his own people's joining in the inroads into the colony.

5. In the month of February, and again in the month of March, the commandant Van Wyk, by my authority and in my name, communicated to the chief Hintza the only terms (far milder than his proceedings had justly merited) upon which he could continue to be regarded in the light of a friend to the colony, and to avoid being confounded with its enemies and treated accordingly, namely, "that he should declare his disavowal of, and cease to countenance the chiefs who were in hostility with the colony, affording them neither harbour, residence nor protection, and send back to me all the colonial cattle, horses, and other plunder which had been received into his country."

6. To these communications Hintza has not as yet returned to me any satisfactory answer; neither has he complied with the terms therein prescribed, since he has continued to countenance the hostile chiefs, and still retains in his country the cattle, horses, and other property plundered from the colony, and harbours the robbers.

7. This being so, and having already defeated and dispersed the tribes of the hostile frontier Caffres, I have been now compelled to come into the chief Hintza's country with the troops of the King my master, to demand an answer to the said communications, and to enforce a compliance with the terms proposed; in failure of which I shall continue to make war upon him to the uttermost; for which purpose, the divisions of my forces, which I had left at the poorts of the Buffalo and Deba, are now moving upon the Amavé and Upper Kye, and Fakoo, chief of the Amapondas, and Vadana, chief of the Tamboukies, who are my friends, and to meet whom I have sent detachments of my troops, are ready to fall upon Hintza from the side of the Bashee.

Two weeks ago, on the day of my crossing the Kye, and before I crossed it, I announced to Bookoo, for his information, and that of Hintza, by a messenger who had been sent by Bookoo, and who appeared on this side of the river, "that I was coming to demand a satisfactory answer to the communications of Commandant Van Wyk."

9. On the same day I communicated to the respective local hemraadens of Hintza and of Bookoo, to whom I gave audience in my camp at the Kye Fountain, the reasons and purpose of my coming, and earnestly pressed upon them the losing no time in communicating the whole to Hintza, and demanding in my name, that he should forthwith come to me, to confer on these affairs, since the result of that conference, as it might afford me the required satisfaction or not, would determine the question of peace or war between us. I added that this must be immediately done, as Hintza had already trifled with my just demands for more than two months, and that I could delay their enforcement no longer; that I should continue to move through his country, but that in the meantime, unless he failed to appear in a reasonable time, or unless his people committed hostilities upon mine, mine should abstain from hostilities upon them.

10. These hemraaden promised to make my communication forthwith to Hintza, and especially the councillor Socho, who also stated that Hintza was at the Tsomo, about one day's journey from my camp.

11. In four days Socho returned to me in my camp on the Gona, and announced to me, "that he had duly made my communication to Hintza, and that he (Hintza) was on his way to meet me, and would arrive the next day."

12. I then informed Socho that I desired to receive no more messengers, that it was indispensable for me to see Hintza himself; that I would wait for this purpose five days from my first message sent by the hemraaden, and by him (Socho), and therefore that if Hintza did not arrive on the following afternoon, I should consider it a refusal of satisfaction, and commence hostilities.

13. I still waited till the seventh day, when having had no farther intelligence of Hintza, I sent to the residence of Socho, which was in the neighbourhood of my camp, to make final inquiries, but he had left his residence, and was not to be found.

14. On the following day Couba, a captain, a councillor and a confidential officer of Hintza, came into my camp, not bearing any message from Hintza, but, as he said, "to hear the news," in other words, as a spy; I, however, treated him well, and detained him until the following day, the ninth from my first communication, and consequently four days beyond

* At least 50,000
head.

† At least 1,000
head.

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No. 3.
Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

Sub-Enclosure 2,
to Enclosure 7,

beyond that fixed on for my commencing hostilities. The people of Hintza also having in the meantime themselves commenced hostilities by the murder of one of mine, Armstrong, I called Couba before me, recapitulated all the above, repeated to him the communications made in February and March to Hintza by the Commandant Van Wyk, with the conditions then laid down, and enjoined him, that upon my dismissing him, he was to proceed instantly to Hintza, to repeat to him all that I had said, and to add, that I should forthwith commence hostilities against him, for the following reasons:

First, For the cause already set forth by the Commandant Van Wyk, no satisfaction thereon having yet been given.

Second, Because, in the month of July last, a subject of His Britannic Majesty, William Purcell, living within the territory of the chief Hintza, (indeed not far from the chief's residence at the time,) under the chief's sanction and permission to trade with his people, and under the security of his good faith, was deliberately murdered, at his own door, by a Caffre of the tribe of Hintza, or by a Fingo servant suborned by one of his tribe, for which no atonement has yet been made; for, although this atrocious and unwarrantable act was then duly made known to Hintza, no effectual steps have ever been taken for the punishment of the murderer, and for giving satisfaction in the matter to His Majesty the King of England, for this unprovoked murder of one of his subjects.

Third, For the recent murder of Armstrong, a British subject, by which also Hintza's people broke the conditions of my truce, and commenced hostilities.

Fourth, For the violence, rapine and ill-treatment practised against the British missionaries at Butterworth, living there by Hintza's sanction, which had forced them to fly to the Tamboukie tribe of Vossanie, to save their lives.

Fifth, For the violence, rapine and outrages committed also upon the British traders, who had thereby been alike forced to fly to the same tribe for refuge.

That for all these reasons, I would immediately commence hostilities upon Hintza, and carry away all the cattle I could find, in the doing which if resistance were offered by the people of Hintza, they must take the consequences of it, brought upon them by the conduct of their chief.

I also announced to Hintza my having been induced, by his aforesaid conduct, to enter into a treaty with Fakoo, chief of the Amapondas, and Vadana, chief of the Tamboukies.

I farther announced that I had taken the Fingoes under my especial protection; that they had become the allies and subjects of the King of England, and that I would severely retaliate upon the people of Hintza any violence which the latter should commit upon the former.

I then demanded of Couba, "if he had well understood all the above?" to which he answered, "that he had, and would duly communicate it immediately to Hintza."

I then formally declared war, dismissed Couba, and commenced hostilities.

15. I now repeat to Hintza what I then announced to him by Couba, and

16. For all these injuries done to the subjects of the King of England I now demand, and if not complied with will proceed to enforce, the following terms of satisfaction:

First, I demand from the chief Hintza the restoration of 50,000 head of cattle, and of 1,000 horses, to be approved of by commissioners whom I shall appoint to receive and examine them; 25,000 head of cattle and 500 horses immediately, as hostilities will continue till they are delivered, and 25,000 head of cattle and 500 horses in one year from this day.

Second, I demand that Hintza, as the acknowledged chief of Western Caffreland, shall lay his imperative commands, and cause them to be obeyed, upon the chiefs of the tribes Tyalie, Macomo, Enno, Bothman, Dushanie, TSambie, Umhala, and their dependants, instantly to cease hostilities, and to send in, and give up to me, or to one of the divisions of my forces, all the fire-arms which they may possess.

Third, I demand that the murderer of William Purcell (or if a Fingo servant acting under subornation, the suborner to the deed,) be immediately brought to the condign punishment of death by the Caffre authorities, and in presence of commissioners whom I shall appoint to witness the execution, and to whom the chief Hintza will cause to be delivered 300 head of good cattle (to be approved of by the said commissioners) for the benefit of the widow and family of the murdered man.

Fourth, I demand that the same atonement be made for the murder of Armstrong as that demanded for the murder of Purcell.

Fifth, I demand that, for the due and full execution of the above conditions, the chief Hintza shall deliver into my hands here, on the spot, and immediately, two hostages, to be chosen by me from among the chief persons about him.

All this well and duly complied with, I will cause hostilities to cease as soon as 25,000 head of cattle and 500 horses shall have been delivered to the commissioners, and enter into a treaty of peace between the colony and Hintza.

(signed) B. D'Urban,

Governor of the Colony of
the Cape of Good Hope,
Commander in Chief.

Done in my Camp on the Izölo,
29 April 1835.

1. The foregoing paper was read to Hintza in person by the Governor and Commander-in-chief, and translated to the chief, sentence by sentence *seriatim*, into the Caffre tongue, by the Caffre interpreter, Mr. Shepstone, in the camp on the Izölo, on the 29th April 1835; at the conclusion of which the chief expressed his perfect understanding of it all.

No. 3.
Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

2. And on the 30th April (the day following), in the same place, the chief Hintza formally and expressly accepted all the conditions therein laid down, and concluded peace with the King of England, His Majesty's subjects, colony and allies.

In presence of us,

(signed)

Sub-Enclosure 2,
to Enclosure 7.

Witnesses :—*H. G. Smith*, Colonel, Chief of the Staff.
John Peddie, Lieut.-Colonel 72d Highlanders, commanding the 1st Division.
John Murray, M. D., Dep^y Insp^t-Gen^l of Hospitals, Chief of the Medical Staff.
Charles C. Mitchell, Major, Surveyor-general.

I hereby certify, that the contents of the above paper were faithfully translated by me, on the 29th April 1835, into the Caffre tongue, to the chief Hintza, and that he declared his perfect understanding thereof; and that on the following day, the 30th of April 1835, he expressed his acceptance of the conditions thereof, and his conclusion of peace accordingly.

(signed) *Theophilus Shepstone*, Caffre Interpreter.

Sworn before me, in the camp on the Izôlo, this 30th day of April 1835,

(signed) *B. D'Urban*,

(A true copy.)

Governor of the Colony of the Cape of Good Hope.

G. de la Poer Beresford, A. D. C.

(Sub-Enclosure 3, to Enclosure 7.)

Head Quarters, Camp in Caffreland.

Sub-Enclosure 3,
to Enclosure 7.

RETURN of the Killed and Wounded in the Invading Army, from the 30th March to the 13th April 1835.

3 Killed :—

*1 serjeant, 1st Provisional Hottentot Battalion.

*1 private, Cape Mounted Rifles.

1 private, 2d Provisional Hottentot Battalion.

* These two were killed by accident, and one only by the enemy.

11 Wounded :

1 Field-commandant, slightly.

1 Captain, 72d Regiment, severely.

4 privates - ditto { 1 severely.
3 slightly.

1 3d division Burgher Force, severely.

2 privates, 2d Provisional Hottentot Battalion; 1 severely, 1 slightly.

1 of the corps of Guides, dangerously.

1 camp follower, severely.

The wounded are doing well, with the exception of the man of the Guides, and one of the 2d Hottentot Battalion.

The troops have been all uncommonly healthy since entering Caffreland.

(signed) *John Murray*, M. D., Principal Medical Officer.

To his Excellency the Commander-in-Chief.

(Enclosure 8, in No. 3.)

Encl. 8, in No. 3.

Sir,

Camp on the Klusie, 2d Division, 15 May 1835.

In reference to your Excellency's communication on the 6th instant, I beg leave to give you a brief statement of what has been done to carry into effect your Excellency's wishes.

On the morning of the 7th instant I despatched my issuer Hobson to Mr. Davies with a note, expressing my wish, in obedience to your Excellency's orders, to render himself and party every assistance in my power.

On the 8th I repaired to head quarters, and endeavoured to ascertain from Mr. Sanford the number of empty waggons which were ready to proceed to the rear; and placed eight of those of the 1st division, and four of the 2d division, at the orders of the missionaries, and supplied 20 oxen to replace those which were tired.

On the 9th, perceiving that the greater part of the Fingoes' children were small, I directed that each laden commissariat waggon should pick up on the march from three to five of the smallest of them, and convey them to the camp for the night.

The 10th, finding that the Fingoes increased in number, I placed three empty waggons at the orders of Captain Forbes, who with myself is desirous that not one individual should be left behind.

The 11th, I was enabled to place three more waggons at the orders of Captain Forbes for the same purpose, and he assures me they have been of the greatest service to the very young and very old Fingoes. I beg leave to observe to your Excellency, that I made repeated applications personally to the boors to induce them to take into their waggons some of the small

small

small children ; and although I urged their doing so as a favour, and stated that it was your wish and that of Colonel Somerset, yet I could not prevail on one of them to allow a child to enter their waggons.

The 12th, I again placed at the disposal of Captain Forbes three more waggons, who now states that he can bring up the rear of the great multitude, with comfort to themselves and satisfaction to himself.

I shall continue to place the waggons as they become empty with Captain Forbes, and I have appointed a person to attend him as conductor, to carry to the waggons on the march such Fingoes as become lame or weak and straying from the road ; and shall be proud to report to your Excellency that not one human being has died or been left behind the division.

The 13th, passing the Buffalo River, with the assistance of commissariat-issuer Hobson and Mr. Phillips, I counted the whole of the cattle belonging to the Fingo nation. Passing the Keishkamma yesterday, I have, with the assistance of the above-named individuals, ascertained the number of men, women and children, who have been brought from a state of being slaves to slaves, to that of being free with freemen !

Your Excellency may rely on the number being nearly correct, as I was present the whole time, and noted each class as they were counted. I had also placed a fourth person, who counted the whole number of men, which agrees almost to a fraction with the total. After being employed five hours yesterday, I was informed that a considerable number had passed the river lower down and escaped being counted ; I have, therefore, this day again counted the men, and find them nearly as per state enclosed.

In addition to leaving 30 days' supply of provisions for Mr. Ayliff and family, I gave him oats, barley, Indian and Caffre corn, to be distributed for seed among the most industrious Fingoes.

I trust your Excellency will excuse the liberty I have taken in giving you this detailed account ; and

I remain, your Excellency's most obedient humble servant,

(signed) Alexander Trotter, D. A. C. G.

(Sub-Enclosure in Enclosure 8.)

THE Fingo Nation having been liberated out of bondage by his Excellency Sir B. D'Urban, and committed to the charge of Lieutenant-colonel Somerset and his 2d division, to be conducted through Caffreland and placed in the country between the Keishkamma and Fish Rivers, they and their herds were counted by the undersigned on the passage through the Buffalo and Keishkamma Rivers.

Sub-Enclosure in
Enclosure 8.

Men	-	-	-	-	-	-	-	-	-	-	2,000
Women	-	-	-	-	-	-	-	-	-	-	5,600
Children	-	-	-	-	-	-	-	-	-	-	9,200
Total										-	16,800 souls.

Oxen, cows and young cattle	-	-	-	-	-	-	-	-	-	-	18,200
Calves	-	-	-	-	-	-	-	-	-	-	4,000

Total - - 22,200 head.

Witnesses.
(signed) H. C. Hobson, C^t. Issr.
(signed) Edward Phillips,
Lieutenant Bathurst, Volunteers.

(signed) Alexander Trotter,
D. A. C. G.

Camp on the Klusie, 15 May 1835.

(Enclosure 9, in No. 3.)

TABLE of PERSONS Removed from the WESLEYAN MISSION STATION, named *Clarkebury*, in *Tambookie Land*, by Captain Warden, C. M. R.

Missionaries.	Artizans of the Mission Stations.	TRADERS.	HOTTENTOTS.	Residents of Mission Stations.	TOTAL.
BUNTINGVILLE, FAKUS' TRIBE:					
Rev. W. Satchell and 1 child=2.	- - -	- - William Pike, George Golden, 1 boy=3.	Men - - 2 Boys - - 2 4	Men - - 32 Women - 25 Children - 30 87	96
MORLEY, UMTATA RIVER:					
Rev. T. Palmer and wife=2.	- - Thomas Wakeford, wife and 2 children; Hannah Cyrus, 3 European child ⁿ =8.	- - - - -	- - - - -	Men - - 72 Women - 68 Children - 76 216	226
BUTTERWORTH, HINTZA'S TRIBE:					
Rev. J. Ayliff, wife and 4 child ⁿ =6.	- - - - -	- - - - -	- - - - -	Men - - 42 Women - 40 Children - 68 150	156
CLARKEBURY, VADANA'S TRIBE:					
Rev. W. J. Davies, wife and 2 children=4.	- - Joseph Warner, wife and 3 children=5.	- - E. Pain, wife and 5 children; Fowles, and 4 ditto; Hulley, and 1 ditto; R. Love, and 2 ditto; J. Hiscox, and 1 ditto; J. Hudson and wife; J. Cabverly, wife and mother; W. Atrell and wife; J. Sheeran; Thomas Eccles; J. Mahar; R. Orton; Thomas Philpot; Martha Rawlins and 3 children, widow of the late R. Rawlins, killed by the Fitcani in February last=35.	Men & boys 12 Women - 7 Children - 1 20	Men - - 24 Women - 25 Children - 22 71	135
					613
Missionaries, &c.			- - - - -	14	89
Artizans, &c.			- - - - -	13	
Traders, &c.			- - - - -	38	
Hottentots			- - - - -	24	
Residents of Mission Stations				524	613
TOTAL				- - 613	

3 May 1835.

(Enclosure 10, in No. 3.)

MEMORANDUM.

Head Quarters, East of the Kye, 4 May 1835.

Encl. 10, in No. 3. If the people of Tyali and Macomo, &c., will come into any of our divisions, with their wives and cattle, and give up their arms, they shall be protected, and retain the cattle they shall bring (not being colonial).
With regard to the chiefs themselves, if they come in (any one or all) and deliver themselves up, unconditionally, it may be stipulated that their lives shall be safe, and that they shall be personally well-treated, but that the terms to be ultimately granted to them must depend upon His Majesty the King of England, whose decision they must in the meantime await.

Major Cox, &c. &c. &c.

(signed) H. G. Smith, Colonel,
Chief of the Staff.

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(Enclosure 11, in No. 3.)

No. 3.

Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

Encl. 11, in No. 3.

Sir

Guanga River, 15 May 1835.

1. I HAVE the honour to report, for your Excellency's information, that I have this day established the several tribes of Fingoes entrusted to my protection upon the line of country extending from Baba's Old Kraal down the right bank of the Keishkamma to the Line Drift, and thence to Trumpeter's Drift, the waggon road being the eastern boundary.

2. Mr. Ayliffe remains with these tribes agreeably to your Excellency's desire, and has established himself on the Guanga, near Somerset Mount.

3. I am happy to state to your Excellency, that the march of these tribes from the Kye, consisting of at least 10,000 souls, and 25,000 head of cattle, has been conducted almost without a casualty. One or two attempts were made by the Caffres to annoy them during the night, but they have been invariably repulsed, and with loss. On the night of the 12th two shots were fired into the Fingo camp, when the Fingoes immediately followed up the Caffres and killed two of the enemy.

4. I have received the greatest assistance from the field-commandants commanding the burgher force, as well as from the burghers under their orders, in conducting this march.

Commandants
Linde, Rademeyer,
Van Rooyen, and
J. Dreyer.

5. I feel also particularly indebted to Captain Forbes, of the Mounted Rifle Corps (to whom was entrusted the command of the rear-guard), for the zeal and intelligence with which he has conducted this very responsible duty. I have also received much assistance from the Commissary Trotter, in the very judicious arrangement he has made of the transport for the conveyance of the weakly and sick children; and also from Staff-surgeon Morgan, who has been unremitting in his attention to the sick.

6. Your Excellency will be aware that a march of this kind, accompanied by, I may say, a whole nation, has not been conducted without considerable trouble and anxiety. That it has been safely and successfully conducted, I attribute to my orders having been zealously carried into execution, and to my having been well and ably supported by every officer and soldier under my orders.

7. I consider it of importance that the posts at Breakfast Vlee and Mount Somerset should be continued in their present position for some time, as a protection to the Fingo tribes in their new position.

I have, &c.

(signed) H. Somerset, Lieutenant-colonel.

To his Excellency Sir B. D'Urban, K.C.B., &c. &c. &c.

(Sub-Enclosure 1, in Enclosure 11.)

GENERAL ORDERS.

Head Quarters, Camp on the Buffalo, 23 May 1835.

1. Colonel Somerset, with the 2d division, has accomplished without loss and without accident, the difficult and laborious service of conducting the English missionaries and traders, with their families and effects (previously brought in from the Bashee by Captain Warden), the Fingo nation, amounting to more than 10,000 souls, and about 25,000 head of cattle, from the eastern side of the Kye, into the old colonial border, where he has distributed and disposed of the whole according to his instructions, and their respective destinations.

2. This arduous duty has required great arrangement, humanity, patience and attention, and has been very ably fulfilled by Colonel Somerset, to whom the Commander-in-chief desires to express his approbation and his thanks.

3. The Commander-in-chief also thanks the 2d division, officers and soldiers, for the unwearied care which they have taken to fulfil Colonel Somerset's orders in the execution of this service, and the assistance which they have afforded him, of which the Colonel speaks very highly, attributing to that assistance mainly its successful accomplishment; and especially these thanks are due to Captain Forbes, who had the laborious charge of the rear-guard during the whole march.

To the Field-commandants Linde, Rademeyer, Van Rooyen and Dreyer, of the Burgher Forces, to Deputy Assistant Commissary-general Trotter, and to Dr. Morgan.

4. All who have been employed in the careful and effectual performance of this duty may feel conscious that they have rendered a great and acceptable service to the colony and to humanity.

5. The 2d division being now no longer required for the invasion of Caffreland, the object which had occasioned its formation by the General Order of the 16th and 29th March 1835, it is henceforward discontinued; the officers employed in it, as a division, returning to the duties which they had been previously fulfilling, and the Burgher Corps of Swellendam, Albany, Uitenhage and George, hitherto belonging to this division, to their respective homes for the present.

The Commander-in-chief thanks these burgher corps, and the Field-commandants Linde, Dreyer, Van Rooyen and Rademeyer, for their zeal, gallantry and good service.

The George Town Burghers, under Captain Van der Riet, at the Double Drift, and the detachment of the Swellendam Burghers, under Field-commandant Linde, jun., now attached to the 3d division, must, however, remain in the execution of their present duties until further orders.

Sub-Enclosure 1,
in Enclosure 11.

No. 3.
Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

Sub-Enclosure 1,
in Enclosure 11.

6. In conformity with the foregoing paragraph, Colonel Somerset will resume the command of all the troops in the districts of Albany and Somerset, from which he was called to command the 2d division in the field; and Colonel England that of the 75th regiment.

7. The Commander-in-chief desires to express to Colonel England his thanks for the great care and attention with which he has performed the duty of commanding the first line of defence during the absence of the invading force.

8. As the command which Colonel Somerset now resumes, may occasionally involve some of the measures prescribed for Colonel England's guidance by his instructions of 22 March last and 16th instant, he will be so good to give over a copy of these to Colonel Somerset, who will be guided thereby in all points to which they may be applicable.

(signed) *H. G. Smith*, Colonel,
Chief of the Staff.

(Sub-Enclosure 2, in Enclosure 11.)

Sub-Enclosure 2,
in Enclosure 11.

Distribution of the Fingo tribes, placed between the Keishkamma and Fish Rivers, by Lieutenant-Colonel Somerset.

The following are the names of the chiefs:—First and principal chief, Umslambisa; 2. Jokweore; 3. Matomela; 4. Umkmenkweza; 5. Umquana; 6. Uliso; 7. Umkwali; 8. Nomtshasho; 9. Umkugagnee.

Slambisa, and the whole of the chiefs and tribes, are for the present collected on the Guanga, near Somerset Mount, with Mr. Ayloff superintending them; for their protection, the posts of Commandants Van der Merwe and Fisher are maintained.

The limits to which the Fingo tribes are confined are as follows:

From Baba's Old Kraal on the north, down the Keishkamma, to the Line Drift.

To the east, the waggon-road, leading from Line Drift to Trompetter's Poort.

South, Trompetter's Poort to Fish River.

West, left bank of Fish River to Committy's Drift; all of which has been explained by memorandum left in the hands of the Rev. Mr. Ayloff.

(signed) *H. Somerset*,
Lieut.-Colonel Com. Caffraria.

(Enclosure 12, in No. 3.)

NOTICE.

Head Quarters, Camp on the Impotshana, in the
Province of Queen Adelaide, 15 May 1835.

Encl. 12, in No. 3.

With reference to the last Notice of the 3d instant, from the camp on the Debakazi.

The missionaries and traders therein adverted to, and their families (about 100 British subjects of all ages and sexes), with all their effects (consisting of 19 waggon loads, and some hundreds of cattle and sheep), and many native inhabitants (to the number of 500), who from attachment to the missions, or dread of the Caffres, had accompanied them, were all safely brought into that camp on the 5th instant, across the whole breadth of the enemy's country, by the escort which had been sent for them from the camp on the Gona, under Captain Warden of the C. M. R. Corps, and have since been forwarded on to the colony, together with the Fingo race, about 6,000, and some 20,000 head of cattle, captured in the country of Hintza, under the charge and protection of Colonel Somerset and the 2d division; by the last advices from whom, of the 12th instant, they were well on their way beyond the Buffalo, and in good order.

The Commander-in-chief has had good reason to be well pleased with the able arrangements of Captain Warden in the execution of this service, and the families rescued praise his humanity and care of them.

These essential matters disposed of, the Commander-in-chief, on the 8th and 9th instant, broke up from the camp on the Debakazi with the head-quarters and 1st division (following the 2d division), and marched down to the bank of the Kye (which he crossed on the 10th), where, for reasons which he had long and maturely weighed and considered, he proclaimed the following "Proclamation and Declaration," under a royal salute of 21 guns, in the presence of the British forces, and of Hintza, his son, two of his relatives, and several of his councillors, assembled for the purpose.

(A.) and (B.)

The troops then re-crossed the Kye, to occupy the territory thus added to His Majesty's colonial dominions, and this new district of the colony of the Cape of Good Hope, very beautiful, abundantly watered and fertile, and containing more than 7,000 square miles, has, by a General Order of the Commander-in-chief, been honoured by bearing the name of Her most Gracious Majesty, and has been accordingly designated "the Province of Queen Adelaide."

An entrenched camp has been since prepared here to receive the first post of occupation, several of which will be placed in this new province of the colony, and is nearly ready for their reception.

Meanwhile Colonel Smith, with a strong detachment, has, at the request of Hintza, who has set up the plea of want of power to fulfil his engagements, remained with him on the other side the Kye, to assist him in collecting the cattle for the fulfilment of that part of his treaty

treaty which stipulates an immediate payment. His son and two relations, with some of his councillors, remaining securities in the hands of the Commander-in-chief. Nevertheless, the conduct of Hintza has been suspiciously evasive upon every point of the treaty, and doubtless very little faith can be placed in him; so that the Commander-in-chief judged it necessary, before leaving him, to make to him the following admonitory communication*.

On the other side of the Deba, Major Cox reports several overtures having been made by the hostile frontier and mountain tribes suing for peace, and one at length through Gaika's widow Suta.

Whereupon the Commander-in-chief has sent to Major Cox the terms upon which he will accord a suspension of hostilities. These tribes are represented by Suta to have suffered exceedingly by the consequences brought upon them by the atrocious conduct of their chiefs towards the colony, and to be now to the last degree dismayed and desirous of peace.

The troops are in the highest health, and the achievement of the main object of these operations has (according to the original design of the Commander-in-chief) thus received its concluding impulse in the country of Hintza, where the combined hostilities of the savage tribes against the colony were originally projected and arranged.

By command of his Excellency the Commander-in-chief.

(signed) *W. H. Dutton*, Major,
Assistant Military Secretary.

No. 3.
Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

Encl. 12, in No. 3.

* (C.)

(Enclosures in Enclosure 12.)

(A.)

PROCLAMATION.

By His Excellency Major-General Sir *Benjamin D'Urban*, Knight Commander of the Bath, of Hanover, &c., Major-General in His Majesty's Army, Governor of the Cape of Good Hope and its Dependencies, and Vice-Admiral of the same, and Commander-in-Chief of His Majesty's Forces in South Africa.

Enclosures in
Enclosure 12.

(signed) *B. D'Urban*, Major-General,
Governor and Commander-in-Chief.

WHEREAS in the months of December and January last past, the Caffre chiefs and their tribes inhabiting the country along the eastern frontier of His Britannic Majesty's colony of the Cape of Good Hope, and between that line and the River Kye, viz. "Tyali, Macomo, Eno, Botma, T'Slambie, Dushanie, and others, their connexions and dependants, with the concurrence and countenance of Hintza, chief of the country between the Kye and the Bashee, and paramount chief of Caffreland, during a period of established peace and amity between the colony and these chiefs, without provocation, or any previous notice or declaration of war, suddenly and unexpectedly broke into the colonial frontier along its whole extent, at the same time laid waste all the country with fire and sword, savagely murdered the unprepared and defenceless inhabitants of the farms, plundered and burnt their houses, carried off horses, cattle, sheep, &c. leaving these districts a desert.

And whereas, with the troops of the King my master, I have defeated, chastised and dispersed these chiefs and their tribes, and overrun and conquered their country, and thence penetrated into that of Hintza, compelling him to sue for peace and to accept the terms of it which I had offered, and which he has ratified. And whereas it is absolutely necessary to provide for the future security of the colony against such unprovoked aggressions, which can only be done by removing these treacherous and irreclaimable savages to a safer distance.

I now, therefore, in the name and behalf of His Britannic Majesty, and by virtue of the power vested in me as His Majesty's representative,

Do hereby proclaim and declare, that the eastern boundary of the colony of the Cape of Good Hope is, henceforward, extended eastward to the right bank of the Kye River; its new boundary, effected by this extension, being henceforth a line commencing at the source of the Kye River in the Stormberg Mountains, thence following its course along the right (or western) bank through the White Kye into the Great Kye, and thence to the mouth of the latter.

From the aforesaid country, which they have lost by the operations of the war which they had so wantonly provoked, and which they have justly forfeited, the above-mentioned chiefs, namely, "Tyali, Macomo, Eno, Botma, T'Slambie, Dushanie, &c. with their tribes, are for ever expelled, and will be treated as enemies if they be found therein.

God save the King!

By his Excellency's command,

(signed) *H. G. Smith*, Colonel,
Chief of the Staff.

Head Quarters on the Kye.

Given under my hand and seal, this 10th day of May 1835.

No. 3.

Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

Encl. 12, in No 3.

(B.)

DECLARATION.

In the Name of His Most Gracious Majesty *William* the Fourth, King of the United Kingdom of England, Ireland, &c. &c., of Possession taken of a Country conquered by His Majesty's Arms.

I, Sir Benjamin D'Urban, Knight, Commander of the Bath and of Hanover, &c.; Major-general in His Majesty's army, Governor of His Majesty's Colony of the Cape of Good Hope and its Dependencies, Vice-Admiral of the same, and Commander-in-chief of His Majesty's forces in South Africa; for divers weighty reasons set forth in my proclamation thereon of this date, Do, here and hereby, take possession of all the country heretofore lying between the eastern boundary of the colony of the Cape of Good Hope and the Kye River, as well the White Kye as the Great Kye, from its source in the Stormberg Mountains to the sea; and the aforesaid country, in all its extent, shall henceforth be added to and form a part of the colony of the Cape of Good Hope, and shall belong to His Britannic Majesty's colonial dominions.

This done, and personally delivered, on the Kye River, and in presence of the officers and soldiers of His Majesty's forces there assembled, and of Hintza, chief of the country between the Kye and the Bashee, his son and heir Creili, his relation Bookoo, and his councillors (heemraden); and hereto I have set my hand and seal, this 10th day of May 1835, at my head quarters on the Kye.

God save the King !

(signed) *B. D'Urban*, Major-General,
Governor of the Cape of Good Hope,
Commander-in-Chief, &c.

(C.)

His Britannic Majesty's Governor of the Cape of Good Hope, Commander-in-Chief of His Majesty's Forces in South Africa, to Hintza, chief of the Country between the Kye and the Bashee.

1. TWELVE days ago, Hintza, the heart of his country being occupied by the troops of the King my master, his personal residence in danger, and his farther resistance useless, came into my camp and sued for peace.

2. I then set forth and prescribed to him the terms upon which peace could alone be granted.

3. And on the following day, having duly considered them, he accepted them all, and solemnly ratified them, remaining himself with his son and heir, by his own choice and free will, as hostages for the fulfilment of the treaty which he had then ratified.

4. This deportment on the part of the chief appeared so frank and honourable, that I was induced to abstain from using a power reserved to me by the concluding article of the treaty, that "of continuing hostilities until the first instalment of cattle should have been paid," and to save his people from the scourge of war; in the meantime I accordingly caused hostilities to cease on the part of my troops, thereby foregoing the additional advantages which the then following up those already gained could not have failed to secure.

5. What return has Hintza made for all this forbearance? He has deceived me throughout.

6. He has, it is true, (very reluctantly,) complied with the second stipulation of the treaty; but the first, third and fourth, the most important of all, are still unexecuted; and although their fulfilment has been repeatedly urged to him, no effectual steps have yet been taken for that end.

7. In these circumstances, I have a full and just right to consider and treat him as a prisoner of war, and send him to Cape Town; but as I am still disposed to believe his asseveration, that his presence in the midst of his people may give him the power of fulfilling his solemn agreement, I will abstain from doing so, and will not for the present send him out of his own country; but it is upon the condition proposed by himself, that he accompanies a division of my troops through such parts of the country as its commanding officer, Colonel Smith, may select, and exert his full power, as chief of it, to collect the cattle and horses due (Demand No. 1,) and to apprehend the murderers of the two British subjects (Demands Nos. 3 and 4,) and supply the 300 head of cattle demanded for each of the widows of the murdered men.

8. Meanwhile I retain, as hostages, according to the fifth demand of my treaty, Hintza's son Creili, and his relation Bookoo, making the latter especially responsible for the two murdered Englishmen, who were murdered in the district under his government, and near his residence, and whose murderers it was his duty at the time to have apprehended, and caused to be duly punished; and considering the breach of the solemn treaty which has been committed as above, I will also retain in my hands the other followers of Hintza now in my camp, with the exception of Umtina and two others whom the chief may select.

Done at my head quarters on the Kye, 10th May 1835.

(signed) *B. D'Urban*,
Governor of the Cape of Good Hope,
Commander-in-Chief.

Read

THE CAFFRE WAR AND DEATH OF HINTZA.

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Read to Hintza sentence by sentence *seriatim*, by Mr. Shepstone, Caffre interpreter.

(signed) (In presence of us,) *H. G. Smith*, Colonel, Chief of the Staff.
John Peddie, Lieut.-Col. Commanding 1st Division.
J. Murray, M. D., Principal Medical Officer.
C. C. Michell, Surveyor-General.

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Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

Encl. 12, in No. 3.

I certify that I faithfully translated this communication to the Chief Hintza, in the hearing of his son, Bookoo, and his councillors, and that he declared his perfect understanding of the same.

(signed) *Theophilus Shepstone*,
Caffre Interpreter.

10 May 1835.

(Enclosure 13, in No. 3.)

MINUTE.—(Extract.)

THERE are, unfortunately, too many proofs that the Caffres have no respect for treaties; that, during a period of peace, or at least while professing relations of amity with us, their depredations on our property, and their inroads into the colony for the purpose of pillage, are as frequent, although not attended with the same devastation and murder, as if no such relations existed; and these observations apply equally to the chiefs as to their retainers, for stolen cattle have been traced into their kraals, without any redress being obtained, or a disposition evinced to afford it; and the arts to which they have recourse to evade our demands of restitution, when the plunder is traced to their subjects, leave no room to doubt their participation in and encouragement of these robberies.

Encl. 13, in No. 3.

The peculiar character of the frontier country greatly facilitates the system of spoliation which they pursue.

The surface intersected by deep ravines, thickly covered with wood for the concealment of the robbers and their plunder; the banks of the rivers presenting extensive jungles, impervious to Europeans, whence they issue like beasts of prey in the night, and where they find security during the day, until pursuit is baffled and relinquished.

If the conduct of these tribes, at a particular juncture, be brought under review, it may better answer the purpose of exhibiting their character than the preceding general observations.

In the years 1827, 1828, Chaka, the Zoolah chief, overthrew several powerful tribes, depriving them of their cattle, and impelling them on the frontier Caffres, who, becoming greatly alarmed for their own safety, urgently implored our aid, and, in consequence, the whole of the disposable military force, and the burgher force of the frontier districts, were sent to their assistance; and while we were thus putting forth our strength, and incurring a heavy expenditure to preserve them from the utter annihilation which threatened them, they took advantage of the absence of our male population, and carried off 6,000 head of cattle, and a proportionate number of horses, from the districts of Albany and Somerset.

Through this system of pillage, the population of the frontier districts constantly endure the extremity of poverty and distress; for no sooner do they acquire a few cattle by patient industry, and by submitting to privations, which those who have not witnessed them can form but an inadequate idea of, than the spoiler comes, and the fruits of their labour, and the hopes of a future subsistence for their families, are swept away, and they again sink into the abject poverty from which they were just beginning to emerge.

The excesses which those tribes commit when professedly at peace with us, and which our unexampled forbearance has only served to encourage, would assuredly warrant the adoption of the most rigorous measures to suppress them; but when it is considered that, not satisfied with depredations in detail, the colony is subject to their periodical incursions like the last in overwhelming numbers, and that on such occasions they carry death and devastation before them, it is impossible to hesitate in recommending the adoption of such a line of policy towards them, as will deprive them for ever of the power of renewing the scene of desolation which now presents itself throughout a large portion of the colony.

Another consideration is, that the savages are rapidly acquiring fire-arms, and a knowledge of their use; if, therefore, they be allowed to proceed in those acquisitions, an entirely different and a much more expensive system of defence from that which has hitherto been deemed sufficient will become necessary.

The present line of frontier, also, from its nature, furnishes to their inroads an extent of 140 miles, the line from the Winterberg, by the Chumie and Keishkamma, to the sea; and the means to protect this line effectually from hostile incursions, even now, and still more after the enemy shall have acquired some farther knowledge of European arms and warfare, would entail on the mother country an expense which, under existing circumstances, she might be unable or unwilling to incur.

If from either of these causes, or from inaccurate information, the mother country should leave the frontier in an inadequate state of defence, this settlement, lately so flourishing and so full of promise, would never rise from the ruin which has overwhelmed it; the tide of emigration, which had just began to set towards it, would stop; neither life, nor property, would be considered secure; all who had youth, or health, or resources, would abandon it, and the few who remained, from inability to remove, would drag on a miserable existence, living in dread, without energy, or hope or enterprize, satisfied with the bare necessities of life, and making no effort to rise beyond that wretched condition.

The avowed object of the savages in their present invasion is, the extension of their territory,

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tory, or in other words, the recovery of a tract of country, from which similar atrocities to those they are now committing compelled the Colonial Government to remove them, and which was afterwards formally ceded to us by treaty.

That the country between the Keishkamma and the Kye was formerly in the possession of the Hottentots, is fully proved by the names which the latter river, and others to the westward of it, as well as those of the mountains and other striking natural objects, still bear, these being all of the Hottentots' language; the right, therefore, by which the Caffres hold it, it may be fairly assumed, is that of conquest. And this abstract question of right is, however, here but adverted to incidentally; for if they could establish beyond all dispute that they have been the possessors of that country from the beginning of time, still their disregard of all treaties, their sudden and treacherous invasions, and the murders and conflagrations which attend their irruptions, impose on us, for our own security, the necessity of depriving them of the power of inflicting on us such calamities in future.

The best mode of effecting that object is, perhaps, to extend the eastern boundary of the colony to the River Kye, which would only include the territories of those chiefs who are known to have joined in the present confederacy, and who have given such unequivocal proofs of the danger of leaving them the power of again inflicting on us the evils we are now enduring.

Taking the Buffalo River (which is distant little more than 30 miles from the Keishkamma) as a boundary would be inexpedient, inasmuch as it would not remove the Caffres to a safe distance from the fastnesses of the present boundary, nor sufficiently deprive them of their power to do evil; nor would it include the territories of some of those chiefs who have engaged in the present contest; and while it thus left them the power of injuring us, it would leave them also a recollection of their humiliation, which would not cease to rankle in their breasts until it produced an explosion similar to the present one, and we should then be compelled to adopt the measure now proposed, after suffering those evils we should have left them the power of inflicting.

(Enclosure 14, in No. 3.)

Encl. 14, in No. 3.

Sir,

Graham's Town, 16 Jan. 1835.

IN accordance with your wishes I respectfully present for your consideration a few thoughts on the principles to be adopted in reference to the Caffre tribes.

Article 1. The chiefs who have invaded the colony to forfeit their chieftainship; and their people to forfeit their country, their arms and their property. This end accomplished, the righteousness of British law, and the equity of British judges, may decide the rest.

Article 2. Deserters from the British government who may have taught the Caffres the use of arms, to be punished with rigour.

Article 3. The actual murderers of British subjects to be everywhere demanded, and, when obtained, executed on the spot; that the Caffres may see that murder with Britons is an unpardonable crime. Every chieftain to be informed that if he substitute innocent persons for the really guilty, the chieftain himself will forfeit his own life, as being himself the friend of murderers, and the cause of the shedding of innocent blood, under the colour of law and justice.

Article 4. The chiefs who profess friendship towards the colony to be informed that, if they allow our enemies shelter in their territory, or connive at the concealment of colonial cattle or property, they will at once be considered as enemies, and dealt with accordingly.

Article 5. In conducting the war, the advice of the Dutch, and of well-informed British civilian settlers, will be of great advantage, and superior to a strict observance of military tactics, as observed in European warfare. In thickets and ravines caution must be used to avoid falling into ambuscades, &c.

Article 6. Calculating on the ultimate success of our arms, since ours is the righteous cause, on the termination of the war:

1. The neutral country to be occupied by the British, to prevent the Caffres from lurking in the Fish River bush.

2. Caffre offenders whose lives may be spared, to be employed in making highroads in every part of Caffreland; if necessary, even to Natal: their labour as convicts being a visible proof of the punishments mercifully inflicted on those who might have lost their lives, &c.

3. An universal registration of Caffres to be effected; every man wearing on his neck a thin plate of tin, containing his name, and the name of his chief, which will be to him a passport of peace, and the absence of it a token of enmity. This will both serve to identify offenders, and enable the British government at once to know the number and strength of the frontier tribes.

4. British agents to reside in Caffreland to carry this registration into effect, and otherwise subserve the great principles of justice and mercy which benefit all people who are indirectly controlled by the government and laws of Britain.

(signed) W. J. Shrewsbury.

(Enclosure 15, in No. 3.)

No. 3.

Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

Encl. 15, in No. 3.

MISCELLANEOUS Remarks on the State of the Eastern Frontier of the Cape Colony, by
W. B. Boyce, Wesleyan Missionary.

1. UNSETTLED state of the Colonial Boundary.—This is a source of jealousy to the border Caffres; if they were informed officially that beyond a certain line it was not the intention of the colonial government to permit the advance of the colonists, and that they might rest assured that their lands were not an object of desire, then their suspicions of the ulterior views of the colonial government would be removed. For some years several Caffre tribes have been allowed to inhabit part of the ceded territory, and they fully expect that, according to promises made to them by former Governors, they will be allowed to remain there so long as their conduct gives no just ground of complaint. Any attempt to expel the Caffres from this country would completely destroy the good feeling which at present subsists between the Caffres and the colonists. Yet I do not think it desirable that this country should be given to the Caffres as their own absolute possession, but that they should continue to hold possession during good behaviour. To prevent the encroachments of the Caffres beyond their present limits, nothing would prove so effectual as the settlement of the remaining portion of the ceded territory by European colonists from Albany. If the Caffres and colonists were near neighbours, without any vacant country between them, thefts would be very much checked, as the chance of discovery would be much increased. The uninhabited country between the colony and Caffreland affords abundant facilities for theft from the colony, as the thieves can easily hide themselves in the thickets during the day, and travel by circuitous routes in the night, free from all danger of observation, which would not be the case if this vacant country were inhabited.

2. Necessity of maintaining the salutary impression of the colonial superiority, by the prompt and severe punishment of wrongs inflicted on the colony, or on the colonists trading in Caffreland.

Unfortunately for the cause of truth, the subject of Caffre policy has become a party question, and has been discussed on both sides with the usual disregard of truth and common sense which ever distinguishes the contentions of political parties. A few tourists who have spent a few days among the Caffres near the colony, and have been pleased with the safety and good-natured reception experienced while travelling, have hastily taken up opinions by far too favourable as to the native character. In describing them as a noble-minded and strictly just people, they evidence their ignorance of human nature; especially when in a semi-barbarous state. The other party, anxious to depreciate the native character, represents the Caffres as a nation only to be governed by commandoes, and as quite impervious to reason. The fact is, that the Caffres are like all other men, governed by their sense of the best method of serving their own interests. A Caffre chief knows of no restraint upon his desire for the property of his neighbours, except that which the want of power to seize and retain imposes upon him. He is restrained from plundering the colonists only by a fear of the consequences. This is the dark side of his character; but then he has sense enough to understand his true interests, or, if the chief has not this sense, his influential men have. If the colonial government, by the prompt and severe punishment of the few occasional aggressions upon the property of the colonists, which will occur so long as human nature remains the same, convinces the Caffre chiefs that nothing is to be gained by violence or cunning; and, at the same time, by a strict regard to justice in all its dealings with them, convinces them that much may be gained by orderly and honest conduct; there can be no doubt but that the Caffres will soon become most valuable neighbours to the colonists. The moral influence of one just, prompt and severe infliction of punishment upon guilty individuals, can only be estimated by those who have resided in Caffreland. Persons unacquainted with Caffres, are apt to think that trifling thefts, or minor cases of oppression of traders, should be overlooked, forgetting that, in most instances, those trifling thefts or insults are mere experiments, which the sagacious Caffre is making upon the forbearance of the colonists, to judge how far he may go without risk of punishment. This mistaken lenity to the Caffres is the greatest cruelty, as it encourages theft and aggression upon the peace and safety of the colony, which, if persisted in, will provoke severe and exemplary punishments, and, eventually, bring on the Caffre tribes the usual fate of all savage nations bordering on European settlements. Whatever treaties the colonial government may enter into with the Caffre chiefs, the necessity of a respectable military force on the frontier will remain the same, until some decided change takes place in the habits and feelings of the frontier tribes. If, from any reliance on the schemes of benevolent speculative men, some of whom never saw a Caffre, or if, from any expectations of economizing the colonial expenditure, the colonial government should make a serious reduction in the military force on the frontier, the consequences would be disastrous both to the Caffres and Europeans.

3. Treaties may be entered into with the Caffre chiefs.

1st. As to thefts from the colony.—It would be desirable for the military governor of the frontier to enter into written agreements with the chiefs separately, as to the punishment and detection of thieves. If the chiefs were assured that, in accordance with the Caffre customs, they and their people would be held responsible, in cases where the spoor of the cattle was traced to their neighbourhood, they would soon find out the thieves, and use means to prevent any thieving on the part of their people. To persons ignorant of Caffre manners, this imposition of responsibility upon the chiefs for their people appears unjust; but when we consider that no beast can be stolen from the colony without the knowledge of the master of the kraal or village to which the thieves belong, and of those residing near them, and that

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the fact soon comes to the ears of the chief, who, unless compelled by a sense of his own responsibility, will take no notice of the theft, for no Caffre deems it criminal to steal from the colony or from Europeans or from other tribes; and the chief would lose his popularity and be deserted by his people, if he were gratuitously to be active in punishing such thefts. If, however, it were well known that the colonial government held the chiefs responsible for thefts committed by their people, then the people would not blame their chiefs for detecting and punishing thefts, but would feel themselves interested in giving every assistance. The chief should be allowed the assistance of a patrol when circumstances rendered it necessary, as thieves are sometimes supported by influential men, with whom the chief would be too weak to contend, in which case a patrol would prevent bloodshed. If the colonial government would claim the person of the thief, or, in the event of his escape, the person of the master of the kraal where he resided, and who, in all cases, is privy to the theft, and the concealment of the thief, then few thefts would be committed. In all cases the legal fine, varying from four to ten for one, should be taken from the kraal where the thief resides, and this fine should be divided between the chief and those who have been active in detecting the theft. It would be impolitic to allow any part of this fine to go to the colonists, as it might encourage unprincipled men to be careless of their property, if assured of its restoration, and a recompense besides. The present mode adopted by the military patrols, of simply taking from the thieves the property stolen, without any fine, is childish; it is an encouragement to theft, and causes the colonists to become the laughing-stocks of the frontier Caffres. (The mode adopted in former periods of sending out commandoes to plunder certain tribes, by way of punishment of thefts, ensured the punishment of the innocent as well as of the guilty, and produced much distress and irritation. It was as unwise and impolitic as it was unjust.)

I am aware that my views will be deemed harsh toward the Caffre tribes; but if it be considered that at present the Caffres owe their very existence to the generous interference of the colony in their defence against the Fictani in 1828; that all the authority of Britain and the colonial government cannot eventually save them from the common lot of all native tribes bordering on European colonies if they provoke the animosity of the colonists; that every thief assists in destroying the good understanding which at present subsists between the Caffres and the colonists, their natural protectors against the barbarous and powerful tribes beyond them, then it will appear that no punishment can be too severe which has for its object the prevention of thefts, and which would ultimately lead to the loss of the independence and property of the Caffre tribes, and prepare the way for their final extinction.

2d. As to protection afforded to traders residing in Caffreland.

Several of the traders residing in Caffreland have latterly suffered much loss of property taken by natives from their trading places, or from their waggons. As yet no redress has been demanded by the colonial government, and the Caffre chiefs are beginning to imagine that traders are beyond all colonial protection. The importance of this trade, in a pecuniary point of view, and its use as a means of promoting a good feeling between the colonists and Caffres, by convincing both parties of a community of interest, renders it highly desirable that the Caffre chiefs should be made to understand that British subjects are under British protection, so long as they do not violate the laws of the country in which they reside; and, on the other hand, that complaints respecting the conduct of British subjects, if substantiated, would meet with redress from the colonial authorities. The appointment of agents, resembling commercial consuls, to the various principal chiefs, has been recommended, and if the colonial government could command the services of such able persons, perhaps some good would result from the residence of a few able men who would act as accredited agents between the Caffre chiefs and the colony; but even then the probability is, that difference of opinion between the civil agents and the commandant of the frontier would more than neutralize the good resulting from such appointments. However defective the present system of managing the frontier Caffres, through the medium of a military commandant may be, I am persuaded that it is the best which circumstances will admit of. The abuse of power on the part of the commandant is almost impossible, checked as he is by the presence of so many missionaries interested in the welfare of the Caffres, and feeling peculiarly sensitive with respect to any act of injustice committed towards them; and also by so many European traders interested in the maintaining of a good understanding between Europeans and Caffres. To me it appears that the fact of the whole responsibility of the peace of the frontier resting upon the discretion of the commandant, is one of the strongest securities for the right discharge of the duties of this important office, whereas a divided responsibility would give rise to endless bickerings, and these would be very dangerous to the peace of the frontier.

4. A regular communication should be kept up at convenient intervals between the colonial government and the principal chiefs of Caffreland.

Besides the chiefs on the frontier with whom the commandant is in constant contact, there are three principal, who are the supreme chiefs of the three great branches of the Caffre nation: Hintza is the supreme chief of the Caffres, or Amokosa; Vadanna of the Tambookies, or Amatomba; and Fada is the supreme chief of the Amapondas, sometimes called Wambookies. With these three, and perhaps one or two others, it is desirable that the commandant of the frontier should preserve a regular communication. If once or twice a year an officer, with about a dozen soldiers, were sent to visit each of these chiefs, with a few presents, not only would a good feeling be kept up, but this anticipated visit from an official character would operate as a check both upon Europeans and Caffres in their dealings with each other.

5. No one should be allowed to enter Caffreland without a pass from the commandant or his agent, at the post on the frontier.

Among

THE CAFFRE WAR AND DEATH OF HINTZA.

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Among the frontier tribes a number of idle Hottentots, from Albany and the Kat River settlement, are found settled for a time, whose presence is highly injurious to the colony. Many of them possess guns, which they dispose of to the Caffres; some of them are old soldiers, who recommend themselves to the petty chiefs by affecting to undervalue the power of the colony, and insinuating jealousies of the designs of the colonial government. It is absolutely necessary for the future peace of the frontier that all such should be ordered out of Caffreland by the commandant, and that in future no man should be allowed to enter Caffreland without a pass. This regulation would be no injury to industrious respectable persons, whether Europeans or coloured people, while it would operate as a check upon the idle migratory habits of the colonial Hottentots.

No. 3.
Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.
Encl. 15, in No. 3.

(Enclosure 16, in No. 3.)

MEMORANDUM for the Information and Guidance of Major Cox, as to the general Basis of Terms which he is authorized to hold forth to the Caffre Tribes suing for Peace. Encl. 16, in No. 3.

1. By my "proclamation" and "declaration," issued and made respectively on the 10th of May 1835, on the bank of the Kye, in presence of Hintza, chief of the country between the Kye and the Bashee, and styled and acknowledged by the Caffres who have inhabited the country between the latter river and the colony, "Paramount Chief of Caffreland," the whole of the country between the former colonial boundary line, viz. running from the sea, up the Keishkamma and Chumie rivers, to the Winterberg, and the Kye river, from its source in the Stormberg mountains to the sea, has become the territory of His Britannic Majesty, and now forms a part of the colony of the Cape of Good Hope, and of His Majesty's colonial dominions; and the chiefs Tyalie, Macomo, Enno, Bothman, Dushanie, T'Slambie, &c., and their tribes, who have been in arms against the colony, and whose acts towards it have been so unprovoked and atrocious, are for ever expelled from the aforesaid territory, and will be treated as enemies if they be found therein.

2. By a paramount order sent by Hintza to these chiefs and their tribes, they have been commanded to cease hostilities, and to deliver their fire-arms to me, or to the officers commanding the respective divisions of His Majesty's forces under my command.

3. By corresponding instructions, sent at the same time to Major Cox, commanding the 3d division on the side of the Amatola, Keishkamma and Buffalo mountains, all of those tribes who should come into the quarters of the troops and lay down their arms, were promised present safety and protection, and the possession of the cattle and effects then belonging to them; and that the chiefs themselves, if they should come in and deliver themselves up unconditionally, should be secure of their lives, and await the ultimate commands of His Majesty the King of England for their future disposal.

4. Now, therefore, if the terms in the 2d and 3d foregoing paragraphs be fulfilled and complied with, on the part of the tribes; if "Suta," the great widow of Gaika, and her son "Sandeli" will place themselves under my protection; and if the chiefs above-mentioned, either surrender themselves to the officers of any of my divisions, or transport themselves beyond the Kye, hostilities shall cease against them on the part of the English troops.

5. Thereafter I will only require the expulsion from the aforesaid territory of the chiefs aforesaid, and those Caffres who were engaged in the inroads into the colony, or in the murders of British subjects, all of whom must transport themselves beyond the line of the Kye, and if they recross it they will be treated as enemies.

6. And in consideration of the excellent conduct of "Suta," the great widow of Gaika, in endeavouring to dissuade the tribe from acts of hostility towards the colony, and her good treatment of several English subjects in their danger, I will acknowledge and uphold Sandeli her son, as the chief of the family of Gaika, and will appoint them ample lands to reside upon, under the charge of "Suta," during his nonage; and those of the tribe, whom Suta shall recommend, and who shall not have joined in the inroads into the colony, shall be permitted to remain in the new territory, also under Sandeli's authority, and under the colonial government and laws; and I will also make ample provision for Matua and Tenta, of the tribe of Gaika, whose conduct has been good and peaceable.

7. And further, in consideration of the excellent disposition and conduct of Nonibe, great widow of the chief Dushanie, of the tribe of T'Slambie, I will acknowledge and uphold her son as chief of that tribe, under his mother's tutelage during his nonage, will appoint ample lands for their reception and support (in like manner as with Suta and Sandeli), and will receive, under the protection of the colonial government and laws, such of the tribe as Nonibe shall recommend, and who shall not have been engaged in invading the colony.

In all these arrangements it must be well understood, that these Caffres will be all British subjects, living under the protection of the government, and under the colonial laws generally, but retaining their own particular rules and customs in their internal regulation of the tribe, so long as they shall desire to do so.

8. This is the basis of the measures which I shall adopt in regard to these tribes, the details to be more fully settled hereafter by commissioners whom I will appoint; but to these principles I will adhere, and all Caffres of all the above tribes, whom these do not embrace, shall be required and forced to leave the colonial territory, as now extended, according to the terms of the proclamation of the 10th of May above cited.

(signed) B. D'Urban,
Governor of the Cape of Good Hope.

Head Quarters,
Camp on the Impotshana, 12 May 1835.

No. 3.

Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

(Enclosure 17, in No. 3.)

NOTICE.

Head Quarters, Camp on the Impotshana, in the Province of
Queen Adelaide, 18 May 1835.

Encl. 17, in No. 3.

WITH reference to the Notice of the 15th instant, Colonel Smith, with his detachment from the other side the Kye, has returned with some thousand head of cattle, belonging to Hintza, which he secured on the other side the Bashee, by incredible exertions on the part of himself and his troops, not only altogether unassisted, but absolutely thwarted by the chief Hintza, whose death the Colonel announces to have taken place on the 12th instant, in a desperate effort to escape from the escort which he had himself requested to attend him, having previously endeavoured by every possible means, in breach of his promise and declaration, to mislead the detachment, and divert its course from the districts containing cattle to those where there were none, and to cause all he could to be driven out of reach; all of which corresponded with the continued course of his evasions and bad faith. His attempt to escape, besides, was made in defiance of the most solemn warning of its consequences on the part of Colonel Smith; and he owed to himself alone, according to the report of Colonel Smith, who was present, and witnessed his flight, resistance and death, the measures which he had thus rendered unavoidable.

The Governor and Commander-in-chief has immediately recognized and acknowledged "Creili," the son of the deceased chief, and of his great wife Nomsa, as his successor in the country between the Kye and the Bashee, and sends him home to his country and his mother Nomsa, to assume his chieftainship; he having solemnly taken upon him the fulfilment of Hintza's unexecuted treaty of the 30th April, and farther entered into and ratified a formal treaty of peace with the colony, which will be published in the next following Notice.

By command of his Excellency the Commander-in-chief,

(signed) *W. H. Dutton*, Major, Military Secretary.

(Enclosure 18, in No. 3.)

Sir,

Head Quarters, 18 May 1835, Camp on the Impotshana.

Encl. 18, in No. 3.

YOUR Excellency having proclaimed that the boundary line of the colony should in future be the Great Kye River, and the chief Hintza, who had completed a treaty of peace, and placed himself and his son in your hands as hostages for the due fulfilment of it, having represented to your Excellency that as four days had elapsed beyond the period at which he was bound to deliver up 25,000 head of cattle and 500 horses, and no cattle had appeared, to prove his desire to complete and fulfil the treaty, having begged your Excellency to send with him a military force to enable him to render his subjects obedient to his commands, and that if your Excellency was pleased to comply with his request, that in a few days the treaty would be duly fulfilled; by your desire, therefore, I marched on the 10th instant, at 10 in the morning, from the bed and ford of the Kye, in command of "50 of the Cape Mounted Rifles, under Captain Ross; two companies 72d regiment, under Captain Murray; three companies 1st Provisional Battalion, under Captain Crause; 15 men of the Corps of Guides, under Mr. G. Southey, and seven days' provisions."

I was directed to view the chief (accompanied by Mutini, his great councillor, two other councillors, and one servant) as a hostage, but to treat him with the greatest respect and kindness, an injunction scarcely necessary, as the chief had lived at my table for nine days, had been loaded with presents of every description, calling himself my son, and saying that he should ever remember my kindness to him with gratitude. The chief invariably rode with me, although under charge of the corps of guides, with every mark of confidence and satisfaction; and upon our ascending the mountain from the Kye, he requested, through the interpreter, to know in what position he stood, both as regarded himself and his subjects. My answer was distinct and definite: "Hintza, you have lived with me nine days; you call yourself my son, and you say you are sensible of my kindness; now I am responsible to my King and my Governor for your safe custody; clearly understand you have requested that the troops under my command should accompany you to enable you to fulfil the treaty of peace you have entered into with his Excellency. You have voluntarily placed yourself in our hands as a hostage; you are however to look upon me as having full power over you, and if you attempt to escape, you will assuredly be shot. I consider my nation at peace with yours, and I will not molest your subjects, provided they are peaceable; when they bring in the cattle according to your commands, I will select the bullocks, and return the cows and calves to them." An arrangement with which he appeared most fully satisfied, and said, "that he came to fulfil his treaty of peace, and with no intention of making his escape, which his having left his son in our hands must prove." I said, "Very well, Hintza, act up to this, and I am your friend; again I tell you, if you attempt to escape, you will be shot." The troops under my command reached a streamlet running into the Gona, about four miles on this side of Butterworth, at half-past four o'clock in the afternoon. One of the corps of guides reported to me that two Caffres, with five head of cattle, were near the camp, and that Hintza said, "as they were afraid to approach, he had sent one of his people to bring them." In place of the Caffres coming into the camp, they went away, and I afterwards ascertained that Hintza had sent with them a horse, to which procedure he would give no answer. I begged to know "where it was he wished I should conduct him:" the only answer I could

I could procure was, "You are going right." At seven o'clock, on the 11th instant, I marched and continued my route, passing the Guadan Hill, until half-past five o'clock in the evening, and bivouacked on a tributary streamlet of the Guanga. I again requested Hintza to state where it was he wished to go: he this evening was rather communicative, and said, "Take a direction towards the mouth of the Bashee, by a route which I will point out, and march at 12 o'clock." It was evident that the cattle from all the kraals in the neighbourhood had been driven in the direction he pointed out, and I readily acquiesced in his desire, and at 12 o'clock at night I again marched, and continued to do so until eight o'clock the next morning. The spoor or track of the cattle was recent and numerous, but the troops having been marching eight hours, I was compelled to halt and cook, on a streamlet running into the Guada. At breakfast the chief appeared particularly uneasy, and said, "What have the cattle done, that you want them, or why must I see my subjects deprived of them?" I explained to him, "that he knew why far better than I did, and that 7,000 of my countrymen were in a state of absolute want from the atrocities of his nation." At ten o'clock, leaving my waggon at this bivouac, and all the foot-sore and weary men, about 60, under charge of Ensign Lowen, of the 1st Provisional Battalion, I again marched; the chief appeared in high spirits, was most volatile, and in about three miles he said, "You see how my subjects treat me; they drive their cattle from me, in spite of me." "Hintza," I said, "I do not want your subjects' cattle; I am sent for the colonial cattle which have been stolen, and which I will have." He said, "Then allow me to send Mutini, my principal councillor, forward, to tell my people I am here, that they must not drive their cattle, that the cattle of your nation will be alone selected." I had no objection to this arrangement, as it was a chance in my favour, although I already could observe that he was meditating mischief. I told Mutini, "Mind, now, you come back to me to-night." "Depend upon it," he said. I allowed him and Hintza's servant to depart, which they did at full speed. Hintza was enraptured, and said, "Now we need not go to the Bashee; you will have more cattle than you can drive on the Kebaka." Upon our approach to the Kebaka, it was evident that the great spoor of the cattle divided, one track going to our left up a stupendous mountain, the other to the right, up a very high, abrupt, steep and wooded hill, upon the banks of the Kebaka, below which its bed is rugged, precipitous and covered with brushwood. Hintza said, "We must go to the right, the cattle up the mountain is lost to us." It had been observed that this day Hintza rode a remarkably fine horse, and that he led him up every ascent; the path up this abrupt and wooded hill above described is by a narrow cattle-track, occasionally passing through a cleft of the rock. I was riding alone at the head of the column, and having directed the cavalry to lead their horses, I was some three or four horses' length in front of every one, having previously observed Hintza and his remaining two followers leading their horses behind me, the corps of guides close to them; when nearing the top, I heard a cry of "Hintza," and in a moment he dashed past me through the bushes, but was obliged, from the trees, to descend again into the path. I cried out, "Hintza, stop!" I drew a pistol, and presenting it at him, cried out, "Hintza," and I also reprimanded his guard, who instantly came up; he stopped and smiled, and I was ashamed of my suspicion. Upon nearing the top of this steep ascent, the country was perfectly open, and a considerable tongue of land running parallel with the rugged bed of the Kebaka, upon a gradual descent of about two miles, to a turn of the river, where were several Caffre huts. I was looking back to observe the march of the troops, when I heard a cry of "Look, Colonel!" I saw Hintza had set off at full speed, and was 30 yards ahead of every one; I spurred my horse with violence, and coming close up with him, called to him; he urged his horse the more, which could beat mine; I drew a pistol, it snapped; I drew another, it also snapped; I then was some time galloping after him, when I spurred my horse alongside of him, and struck him on the head with the butt-end of a pistol; he redoubled his efforts to escape, and his horse was three lengths ahead of mine. I had dropped one pistol, I threw the other after him, and struck him again on the head. Having thus raced about a mile, we were within half a mile of the Caffre huts; I found my horse was closing with him; I had no means whatever of assailing him, while he was provided with his assagais; I therefore resolved to attempt to pull him off his horse, and I seized the athletic chief by the throat, and twisting my hand in his karop, I dragged him from his seat, and hurled him to the earth; he instantly sprung on his legs, and sent an assagai at me, running off towards the rugged bed of the Kebaka. My horse was most unruly, and I could not pull him up till I reached the Caffre huts. This unhorsing the chief, and his waiting to throw an assagai at me, brought Mr. George Southey of the Corps of Guides up; and, at about 200 yards' distance, he twice called to Hintza, in Caffre, to stop, or he would shoot him. He ran on; Mr. Southey fired, and only slightly struck him in the leg, again calling to him to stop, without effect; he fired, and shot him through the back; he fell headlong forwards, but springing up and running forwards, closely pursued by my aide-de-camp, Lieutenant Balfour, he precipitated himself down a kloof into the Kebaka, and posting himself in a narrow niche of the rock, defied any attempt to secure him; when, still refusing to surrender, and raising an assagai, Mr. George Southey fired, and shot him through the head. Thus terminated the career of the chief Hintza, whose treachery, perfidy and want of faith, made him worthy of the nation of atrocious and indomitable savages over whom he was the acknowledged chieftain. One of his followers escaped, the other was shot from an eminence. About half a mile off I observed the villain Mutini and Hintza's servant looking on.

I collected my troops, and instantly moved forward in pursuit of the cattle, guided alone by its track; for being deprived of these Caffres, I had no guide whatever. About half-past four o'clock the waters of the Bashee were visible, and a great quantity of cattle on the

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opposite bank. With my cavalry, although it had been in march 14 hours, I pushed forward, and leading our horses, descended the mountainous banks of the Bashee, and by a precipitous cattle-path, crossed the beautiful and widely-flowing river in an oblique direction, and ascending the rugged and steep banks by a cleft in the rock, which admitted of only one horseman at a time, I succeeded in capturing upwards of 3,000 head of fine cattle, some colonial being amongst them. Night approaching, prevented further pursuit, and the troops encamped on the left bank of the Bashee, the third day from their march from the bed of the Kye, a distance of 84 miles. A considerable quantity of cattle having been observed passing over the mountains in the direction of the Umtata, at three o'clock in the morning of the 13th, leaving my least effective men, jaded horses and captured cattle, in charge of Captain Ross, Cape M. Rifles, I marched, without any guides whatever, detaching Captain Baillie, with 60 men of the 1st Provisional Battalion, down the left bank of the Bashee, with orders to proceed towards its mouth, then to bring up their right shoulders and form a junction with the troops immediately under my own orders, while I moved upon the Kokka River, about 20 miles distant from the Bashee, and 12 from the sea, thereby ensuring the capture of whatever cattle might be between the two rivers. Upon my reaching the top of the mountainous banks of the Bashee, a beautiful though strongly undulated country, rich in pasturage, presented itself, over which innumerable and fresh cattle tracks were visible. I pushed forwards with the utmost rapidity, but finding the country driven in every direction, and my troops having marched with little intermission since they left the bed of the Kye, I halted, cooked, and recommenced my march, and by following the line of the Kokka, the bed of the Umtata became perfectly visible at a distance of from 15 to 20 miles. The Caffres began to collect upon the tops of the hills in very considerable numbers. Wherever I could get at them they were pursued, and several shot; but so daring were they, the country in many places being covered with long grass, that they concealed themselves in it, close to the flank and rear of the column. Lieutenant Charles Baillie, of the 1st Provisional Battalion, observing this, directed some of his men to do the same, and allow the Caffres to pass, by which stratagem he shot several. Finding the country so completely driven, and having taken one Caffre, and ascertained from two Fingoes, who came to me, that 48 hours previously the cattle had been driven over the Umtata by Hintza's order, after the march I had made, I deemed pursuit fruitless, and moving upon the arc of a circle, I returned to my camp on the left bank of the Bashee, which I observed surrounded by Caffres indicating momentary intentions of assailing it for the capture of the cattle.

The profession of war is eventful, and whilst I had reason to exult in my previous success, and the prowess of the troops over difficulties almost insurmountable, I had the mortification to learn that I had lost a friend, and our country an officer of the most marked and conspicuous talent, in Major White, assistant-quartermaster-general of the burgher force, having fallen a victim to the cunning of the wily savage, and to his own irreclaimable imprudence in wandering about unprotected, or, if an escort accompanied him, neglecting to take proper precaution in posting it advantageously. Your Excellency has previously expostulated with him, as have I, and every one of his friends. On this occasion he asked me for two men; I ordered a corporal and four to accompany him, and I particularly requested him to order them to look out. Previously to his leaving the camp, day had dawned, and my secretary, Mr. Andrews, and Field-cornet Groepe, of the Kat River Legion, pointed out to him the number of savages on every hill. Regardless of advice, and even of ocular demonstration, he rushed upon his fate, leaving his friends to deeply deplore his loss, while they lament his blind infatuation. His labours in the topographical branch of his department have been incessant, and while we deplore the loss of such a man, we regret that science has been deprived of his exertions, all his valuable sketches, &c. having fallen into the hands of the enemy. The corporal of his escort also fell a victim to the wily savage.

Seeing at once the determined spirit evinced by the enemy to molest our camp, I took every precaution military experience dictated, and scarcely was it dark ere the enemy, in considerable numbers, creeping up a narrow and wooded ravine, made an attempt on the cattle; but such was the vigilance of the piquet under Captain Lacy, 72d regiment, and the acuteness of vision of the Hottentots of the 1st Provisional Battalion, that their design was anticipated, and consequently frustrated, and many fell victims to their audacity, while the troops in camp calmly awaited the assault, hoping to reach the assailants with whom they had to contend. The detachment under Captain Baillie had not yet returned, and I must admit, viewing my position, I was anxious for his arrival. About half-past 10 o'clock some shots were heard about three miles off, and in half an hour I had the gratification to receive his report, that he had brought in all his men, and by a *ruse de guerre*, concealing some of his soldiers in his rear, he had shot several of the enemy who had closely and determinedly pursued him.

This company of Hottentots arrived in the highest spirits, having been marching from three o'clock in the morning till eleven o'clock at night incessantly, and that subsequent to a night's march of great extent.

It was evident that the Caffres were both daring and numerous. Many of Captain Baillie's company of Hottentots, speaking the Caffre language, could hear the enemy boasting of their next day's intended achievements, the recapture of the cattle, and obstructing our passage over the Bashee. A soldier may despise his enemy, but must ever view his profession as a science, and thus did I take every precaution so to recross the river with the captured cattle, as to preclude not only the possibility of its recapture, but that the attempt even should cost the enemy most dearly. The passage of the river was one of considerable difficulty, and to be effected only by one at a time down the rugged footpath of its mountainous banks. Upon a computation of the number of hills, and of men upon them, between 3,000 or 4,000 of these most athletic and daring savages were visible, and ready to take advantage

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to the Earl of
Aberdeen,
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advantage of any opportunity which might present itself; but so promptly, strictly and perfectly were my orders obeyed by the troops of every description, that the river was crossed, and every head of cattle was brought off. Upon the march this day the enemy made several very bold attempts on our rear guard, but the vigilance and judgment of Lieutenant Baillie, of the 1st Provisional battalion, whilst it protected our own people, cost the enemy dear on every occasion. The troops arrived at the camp near the Guada, where I had left the waggon, &c. at one o'clock, and 150 Fingo families, amounting to about 1,000 souls, here placed themselves under my protection. I halted, cooked, and marched again at three o'clock, and continued my march until dark, the Caffres endeavouring to annoy the Fingoes. Lieutenant Baillie, in charge of the rear guard, placed himself and a party of his men behind the shields of the Fingoes, and advanced upon them; the Fingoes fell back, and the Caffres were assailed by the fire of the Hottentots, which cost them again dearly. At day-light, on the 15th instant, I marched and reached a camp on a branch of the Kokka an hour after dark; on the 16th instant I marched at daylight, and reached an encampment called Kye Fontein at five o'clock in the afternoon. On the 17th instant I again marched, and reached your Excellency's head quarters here, having completed a march of 218 miles in seven days and a half, over a rugged and mountainous country, bringing in all the captured cattle and 1,000 Fingoes, forming a rear guard for their protection, without the loss of a single individual except those whom I have already deeply, truly, and unfeignedly had occasion to regret.

Thus the troops your Excellency has been pleased to place under my command have given our savage enemy a most unparalleled example of the prowess of British soldiers, which they considered slow and unwieldy, by marching from the bed of the Kye to within sight of the bed of the Umtata in four days, by seizing their cattle with rapidity, and bringing it off in the face of ten times their numbers, and by showing them that treachery and duplicity will be punished by the British nation, no matter who the individual may be, or how far distant the object of its pursuit.

Such gigantic exertions cannot be made without the greatest spirit and determination of the troops; and it is with infinite satisfaction that I report to your Excellency that during these eight days of fatigue and extraordinary exertions on their part, the hand of power was never resorted to; the officers and men were all animation and obedience, and if they expressed any feeling it was the laudable one of wishing their enemies to assail them. The savages on the Bashee are a most athletic race of men, unaccustomed to the distant power of fire-arms. The first day they encountered us they were really most daring and contemptuous of danger, but apt scholars; a few lessons sufficed to show them the superiority of our arms.

It becomes an arduous task, when the conduct of every one has been so conspicuous, to point out those who most merit to be more immediately brought to your Excellency's notice; but in justice to experience and talent, I beg to call your Excellency's attention to Captain Murray, of the 72d Highlanders, whose conduct on various occasions under my command has been that of valour, subordination, and enterprise; and if I may be permitted to urge upon your Excellency the merits of this officer, it is in anxious hope that you may consider him worthy of some special mark of His Majesty's approbation. To Captain Lacy, 72d regiment, Captains Crause, Gilfillan, and Baillie, of the 1st Provisional Battalion, to Captain Ross and Lieutenant Pulestone, of the Cape Mounted Rifles, and particularly to Lieutenant Baillie, of the 1st Provisional Battalion, to assistant-surgeon Ford, 72d Regiment, to Field-commandant Groepe, and his detachment of the Kat River Legion, to Mr. George Southey, of the Corps of Guides, and all the officers and soldiers of their respective commands, every praise is justly due; and the energetic completion of this arduous but important little expedition, is to be ascribed to the troops who have achieved it.

I highly appreciate the services of Lieutenant Oliver, 72d Highlanders, deputy assistant quartermaster-general; he is a most promising officer, who delights in his profession. To Mr. Caesar Andrews, secretary to the Burgher Force, I am very much indebted; upon every occasion he has filled his situation both with great attention and devotion to the public good.

My aide-de-camp Lieutenant Balfour's indefatigable zeal and activity, his reckless disregard of danger, and his desire to meet the wishes of his superiors, render him a soldier; I therefore feel convinced that these qualities will ensure him your Excellency's approbation and marked attention.

I have, &c.

(signed) H. G. Smith, Colonel,
Chief of the Staff.

(Enclosure 19, in No. 3)

NOTICE.

Head Quarters, Camp at King William's Town,
Banks of the Buffalo, 24th May 1835.

WITH reference to the previous Notices of the 18th and 15th instant, Crieli, the heir and successor of Hintza, on the 19th instant, after having solemnly taken upon himself the fulfilment of his deceased father's unexecuted treaty, dated the 30th April last, further entered into and ratified the following treaty with the Commander-in-chief:

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TREATY.

1. There shall be peace between His Majesty the King of England, His Majesty's
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to the Earl of
Aberdeen,
19 June 1835.

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subjects and colony of the Cape of Good Hope, and Crieli, son of Hintza and Nomsa, now, by his father's death, chief of the country between the Kye and the Bashee.

2. The King of England's colonial dominions now extend to the line running along the right bank of the River Kye, from its source in the Stormberg Mountains into the White Kye, thence along its course to the Great Kye, and thence along the course of the latter to the sea, which boundary-line is hereby acknowledged by Crieli as that of the colony.

3. The British forces will correspondingly respect the opposite or left bank as the border of Crieli's country, and will not cross it for any hostile purpose, without due cause and just provocation thereto given; Crieli, upon his part, respecting that of the King of England, and not making inroads to the right or western bank of the Kye.

4. There shall be good faith and amity between Crieli and the Governor of the colony, (in the name of the King of England,) who will not object to Crieli's receiving 'Tyalie, Macomo, Eno, Bothma, T'Slambie, Dushanie, and their people, into his territory, provided he forbids their coming thither with colonial plunder, and that he does not allow them to recross the Kye to its westward bank, collectively or individually, without permission to do so from the Governor of the colony, or from the British officer commanding on the frontier.

5. Crieli further solemnly promises and undertakes, for himself and his nation, that he will neither directly nor indirectly, commit, join in, permit or countenance any hostility to be carried on by, through or from his country, against Vadana, chief of the Vossanie Tambookies, or his people, for any part of the conduct of the latter in the late war; these Tambookies being the sworn allies of the King of England; and if they sustain hostilities or any wrong at the hands of Crieli and his country, it will be considered a declaration of war against the colony, and acted upon accordingly.

6. And Crieli, moreover, engages and promises (under the same penalty of the colony's going to war with him in case of failure,) that he will allow free and safe passage to Vadana and the tribe of Vossanie, if they should at any time require it at his hands, through his country, to cross the Kye, and come into the colony.

Done at my camp, on the Impotshana, in the province of Queen Adelaide, of the colony of the Cape of Good Hope, the 19th May 1835.

(signed) B. D'Urban, Major-General,
Governor and Commander-in-Chief.

Read to Crieli, and his relatives Bookoo and Fadana, and the councillors (heemraden) Suta, Nontso and Kinki, by the Governor, and translated into the Caffre tongue, sentence by sentence, *seriatim*, by Mr. Shepstone, Caffre interpreter. The chief Crieli, after its conclusion,

First, Having expressed his perfect understanding thereof.

Second, Having declared that he agreed to, and would perform the terms of the treaty.

19 May 1835.

In the presence of us,

(signed) H. G. Smith, Chief of the Staff.
J. Peddie, Lieut.-Col. Commanding 1st Division.
J. Murray, M. D., Chief of the Medical Staff.
Chas. C. Michell, Surveyor-General.

I certify that I faithfully translated to the chief Crieli the contents of the above paper, and that he expressed his understanding of it, and his promise to accept and perform the terms of the treaty.

(signed) Theophilus Shepstone,
Caffre Interpreter.

19 May 1835.

This treaty having been solemnly concluded and ratified, the young chief Crieli was dismissed, together with his father's relative Fadana, and his councillors Suta and Nontso, with presents from the Commander-in-chief for himself and his mother Nomsa, and returned to his country, escorted to the ford of the Kye by a guard of honour, commanded by Captain Warden, of the Cape Mounted Rifle Corps, to whom he expressed his great satisfaction at the arrangement just concluded, and at the kindness and attention with which he had been treated during his residence at head quarters.

The Commander-in-chief, however, in thus dismissing Crieli to take possession of his inheritance, and concluding with him the above treaty of peace, judged it necessary to detain his uncle Bookoo, with the councillor of the latter, Kinki, as hostages for the due fulfilment of the treaty of the 30th April last, and according to the 5th stipulation of the 16th article of it.

This absence of Bookoo will also probably facilitate a better course of proceeding towards the colony on the part of Crieli, in the outset of his government, than that which had been pursued by Hintza, since Bookoo had been of great influence in the councils of the father, and might well have been expected to exert it for the same mischievous purpose in those of the son.

Besides the cattle brought from the Bashee by Colonel Smith's detachment (as stated in the Notice of the 18th instant), a still more important object was achieved in that expedition, by the rescuing and safely bringing in of 1,000 of both sexes of the Fingo race, who, from their remote situation, had not been enabled before to join their countrymen now under British protection, and who would otherwise have infallibly been sacrificed by the fury of the savages as soon as these should have had leisure to think of them.

On

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On the 20th instant the entrenched camp on the Impotshana, for the reception of the first post of occupation of the new province, having been completed, a detachment of artillery, cavalry, and infantry were placed in it, under the command of Captain Warden, of the Cape Mounted Rifle Corps; and the Commander-in-chief moved westward, with the head quarters and 1st division, and encamped under the heights on the eastern side of the Gonube, where he remained on the 21st, during which a work was constructed for the reception of a post of communication with that of occupation on the Impotshana, which having been placed therein, on the 22d and 23d, by successive movements, he arrived on the Buffalo.

This river, from its source in the mountains of its name, to the sea, will be the central line of occupation of the Province of Queen Adelaide; and here on the fertile banks of this clear, rapid, and beautiful stream, and upon ground admirably fitted by nature for the purpose of a provincial town, the Commander-in-chief has fixed the site of one, and named it, by a General Order of this day, "King William's Town," in honour of his Most Gracious Majesty. An entrenched camp has been already marked out here, and is in good progress to receive a strong central corps of occupation, with which two flanking posts (placed higher up and lower down the stream, where the high roads of the country, from east to west, respectively cross it,) correspond; while it will be connected westward by an intermediate post of communication with Fort Willshire, on the old border, the dépôt of supplies for the troops of occupation.

The fine weather still continues uninterrupted, and the troops have no sick.

By command of his Excellency the Commander-in-chief,

(signed) W. H. Dutton, Major,
Military Secretary.

(Enclosure 20, in No. 3.)

NOTICE.

Head Quarters, Graham's Town, 18 June 1835.

SINCE the last "Notice" issued from King William's Town, on the 24th of May, satisfactory communications have been received from the chief Crieli, who has established himself firmly in his government, his mother Nomsa having, as had been anticipated, considerable influence, which is favourable to the observance of good faith with the colony, as she had, even in Hintza's time, frequently shown herself, as far as her power extended, friendly to the English. Crieli has sent into Warden's post, on the Impotshana, together with some hundreds of cattle, a *white ox, with expressions of his grateful feelings towards the Commander-in-chief for the countenance and support which he has received in establishing him in his inheritance, his assurance of every effort to fulfil his engagements, and of his determination to adhere to his treaty of amity and good understanding with the colony.

The entrenched camp at King William's Town, and the flanking posts higher up and lower down the Buffalo, at the "poorts" and near Mount Coke respectively, have been occupied; and the whole central line of defence settled and established upon the permanent footing which it is to retain until His Majesty's pleasure be known. The roads are so excellent throughout the province of Queen Adelaide, that not only troops, but even convoys of waggons, from King William's Town, can reach the post at Fort Wellington in an easy day's march, and Warden's post in four hours afterwards. Troops, if necessary, can perform the whole in one day. By a reference to the former notice of the 15th of May, it will be seen that the Commander-in-chief had then transmitted to Major Cox (conducting the operations against the dispersed tribes of the border) the terms upon which he might treat with them. These were as in the document annexed, No. 1; and they were at the same time sent to the Rev. Mr. Dugmore, Wesleyan missionary on the Beeka, that they might be made known to Nonübe, great widow of Dushanie, who, with her son Siwāna, has been long residing in the colony, under the protection of the Governor, and in the immediate care of Mr. Dugmore.

Both Nonübe and Suta have received these propositions with much satisfaction, and expressed their grateful sense of them, and their desire to accept and abide by them; and these will accordingly be the basis of the ultimate arrangements in that matter.

Nonübe and her son Siwāna, Suta and her son Sandeli, are respectively the remaining heads of the families of T'Slambie and of Gaika, the former chiefs, in fact, of the whole country between the Keishkamma and the Kye, inasmuch as they are, according to the Caffre laws and customs, the legitimate representatives of those chiefs who conquered that country from the Hottentots, the only right by which they were established in it, and this arrangement (which will also have regard to the interests of Matua and Tinta, sons of Gaika, now with the Governor) will doubtless be the most appropriate, just and lenient which can be adopted.

There is every reason to believe that the hostile chiefs, to whom these terms were offered, would have closed with them at the time, but for the inveterate duplicity and treachery of Hintza, who, it is since known, when he ostensibly fulfilled the second article of his treaty of the 30th of April, had, by the same messengers, sent to them a private intimation not to obey them, and they have acted accordingly, thereby necessarily suffering themselves, and bringing down upon their followers, the continued consequences of their obstinacy. By the

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to the Earl of
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* A very solemn
testimonial of good
will.

No. 1.

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Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

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fourth article of these terms a door was thrown open for the emigration of these tribes, collectively or individually, over the Kye, which arrangement (as will have been seen in the "Notice" of the 24th May) was provided for in the treaty with Criel, and this had been advisedly prepared and proposed, as at once the most merciful and the most expedient course, inasmuch as, after the chastisement already inflicted upon these barbarians, for their deeds of blood and rapine in the colony, it permitted such of them as could not, with any regard to justice, be allowed to remain in the new colonial territory, to emigrate to a kindred country, where there is abundantly sufficient room for them; and where Hintza himself had expressed to the Commander-in-chief his desire and his ability to receive and locate them.

While the Commander-in-chief awaited at King William's Town the completion of the works along the central line of occupation, and of the arrangements for the due management of the province, he had the mortification to learn, that a few straggling savages, flying from the operations of the troops in the Amatola (not generally exceeding five or six together), had been suffered to commit some robberies, and in one or two instances murders, within the old colonial border of Albany; and that ill-disposed persons, by whatever motives influenced, had endeavoured to excite panic by exaggerating these evils where they had occurred, and inventing their existence where they had not. He therefore ordered a succession of combined operations by Colonel Smith and Major Cox, for the sweeping of the whole country immediately without the border, from the mouth of the Chalumna and Keishkamma upwards to the Chumie mountains, and thence to the "Poorts of the Buffalo," to clear out the lurking-places in which these savages had still continued to harbour, and from which they had stolen into the colonial border. This was executed accordingly, continuing without intermission from the 28th May to the 7th instant, and most effectually performed. This measure, which had now become unavoidable, at length convinced the Caffres that it was in vain for them to attempt remaining any longer in the country which they had been required to evacuate; and they are now leaving it in large bodies, and going beyond the Kye (according to the propositions cited in document No. 1), in which proceeding it is gratifying to announce, that their wives and children have been in many instances well supplied with provisions by Colonel Smith and the other officers employed in these movements, protected by their patrols from the Fingoes, whom they had just cause to dread, and safely escorted beyond the Buffalo, upon their journey to the Kye; and so confident have the women been of this protection, that they have unhesitatingly thrown themselves upon it, by coming into our posts to seek it.

No. 1.
Memorandum for
the guidance of
Major Cox. See
Enclosure, marked
No. 16.

In these ably conducted and rapid operations the Commander-in-chief has had again to record the unparalleled activity of Colonel Smith, who has alternately directed their execution along the whole of their wide extent, and of the troops under him, especially noticing the following officers:—Colonel Smith; Major Cox, commanding 3d division; Captains Hallifax, 75th regiment, and Gilfillan, 1st Provisional Battalion; Lieutenant Balfour, aide-de-camp to Colonel Smith; Lieutenant Oliver, C. M. Rifles, D. A. Q. M. G.; Lieutenant Granet, C. M. Rifles; Field-commandant P. Erasmus, Somerset and Cradock burghers.

From the middle of May to the first week in June inclusive, the Commander-in-chief had been enabled to dispense with the further services of the burghers; of this he availed himself with great satisfaction, and accordingly all have returned to their farms, where they would have arrived in time for the sowing season of the year.

All these arrangements concluded, the Commander-in-chief, whose presence within the colony for affairs of the government had become pressingly necessary, and whose further stay in the new province was no longer of equal importance, placed the command of it in the able hands of Colonel Smith; and leaving the camp at King William's Town, proceeded on the 11th instant to Fort Willshire, having on the way established a fortified post of communication between the former and the latter.

At Fort Willshire he had a conference with Suta, who had there awaited his coming, and who then returned to her family for the purposes previously adverted to, and on the 12th inst. he arrived in Graham's Town.

No. 2.

The general orders in the document annexed, sufficiently attest the Commander-in-chief's appreciation of the services of the troops throughout the operations of the campaign; upon the subject of their admirable conduct, it would be superfluous therefore here to enlarge; and the health report, No. 3, is a gratifying exposition of the very little loss which these operations have incurred, and of the health which the troops have preserved.

No. 3.

Upon the Governor's arrival at Graham's Town, he had the satisfaction of feeling himself warranted, without compromising the public safety, in causing the law martial to cease, by a proclamation to that effect in the districts of George, Graaff Reinet, Beaufort and the greater part of Uitenhage, and he has confident hopes of very speedily doing the same in the remainder of Uitenhage, and in Albany and Somerset, where, for the present, however, it is necessary and expedient to continue it.

By command of his Excellency the Commander-in-chief,

W. H. Dutton, Major,
Military Secretary.

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(Sub-Enclosure 2, in Enclosure 20.)

Extract from General Orders, dated Camp at King William's Town, 10 June 1835.

GENERAL ORDERS.

No. 3.

Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.Sub-Enclosure 2,
in Enclosure 20.

Par. 6. The presence of the Commander-in-chief having become indispensable at Graham's Town, for the due ordering of His Majesty's forces, he is compelled, however reluctantly, to separate for a time from the troops in this province, whose conduct, since they have been under his personal command, has given him unqualified satisfaction, and of whom he takes leave with every sentiment of approbation and regard.

7. It has been his gratifying duty to thank them all so frequently during the short, but active and successful, campaign of the last two months, that he can now have little to add to those acknowledgments, beyond this record of his deliberate opinion (as an old soldier who has seen some varied service), that they have admirably upheld the character of British soldiers, and faithfully done their duty to their King and country, an opinion which they may rest assured he will not fail humbly to place at the feet of His Majesty, our most gracious King.

8. It diminishes, withal, the regret of the Commander-in-chief at quitting their personal command, that he leaves them in the charge of Colonel Smith, an officer in whom they must all have the fullest confidence, as well on account of those high military qualities which they have witnessed, and which have made him a main cause of the recent successes, as because they know from experience that he is a soldier's friend, and will always have a watchful care of all that can contribute to their health, comfort and convenience.

9. The Commander-in-chief again thanks Colonel Peddie, and the officers and soldiers of the 1st division.

Major Cox and those of the 3d, and Captain Southey and the Guides, a corps which has throughout the campaign rendered very active and valuable service, and deserves high commendation.

10. He requests to offer his thanks to Colonel Smith, and the officers of the colonel's personal, as well as of the general, staff; to Lieutenant Balfour, of the 72d, aide-de-camp, whom he has so frequently had occasion to praise.

To Lieutenant Oliver, deputy-adjutant-quartermaster-general.

To Colonel Thomson, commanding Royal Engineers, for his able suggestions and valuable assistance.

To Dr. Murray, whose able and ever active services in the performance of many additional duties to those belonging to his rank, and whose judicious suggestions in all that regards the health of the troops, have been in the highest degree beneficial; and to the Medical Staff, especially the Assistant-surgeons Ford and Caw.

To Deputy-assistant-commissary-general Spencer, and the officers of the Commissariat, and to Mr. Philpot, acting deputy-ordnance-storekeeper.

11. To the officers of his personal staff, the Commander-in-chief desires to return his best acknowledgment for the efficiency with which their respective duties has been conducted, and for the assistance which they have rendered him.

To Major Dutton, his military secretary.

To Lieutenant Beresford, his aide-de-camp (whose clear intelligence and ready activity in the field have often attracted his notice).

To Major Mitchell, surveyor-general, for the unwearied labour with which he has devoted his eminent topographical science to sketching and recording the hitherto unknown country which the troops have passed.

To Captain Alexander, 42d Regiment, extra aide-de-camp (whose professional experience and scientific acquirements have made his active and ready services especially valuable).

To Mr. Charles Somerset, acting aide-de-camp.

To Lieutenant Wade, Cape Mounted Rifles, commanding his personal field escort (whose readiness and intelligence in the able execution of very active duties in the field he has had frequent cause to approve), and to Mr. Shepstone, Caffre interpreter.

The Commander-in-chief returns his thanks also to

Major Lowen, of the Cape Mounted Rifles; Maclean, of the 72d regiment; and Bagot, of the 1st Provisional Battalion.

To Lieutenants Williams, Royal Engineers; Levenge, Royal Artillery; Oliver, 72d regiment, field-adjutant to the 1st division; and Sutton, 75th regiment, field-adjutant to the 3d division.

To Captain Halifax, 75th regiment, for his able arrangements at Fort Willshire, by which the convoys for this force have been so effectually expedited; and to Deputy-assistant Commissary-general Sanford, whose able and indefatigable exertions and judicious arrangements have been highly advantageous to the service.

13. To Assistant Commissary-general Palmer, Chief of the District Commissary Staff on the frontier, the Commander-in-chief desires to offer his best acknowledgments for the unwearied zeal, ability and careful exertions by which he has so efficiently, and in the face of so many difficulties, provided for the commissariat supplies of the invading force.

He acknowledges the useful services of Mr. Oxholm, of the Commissariat at Port Elizabeth, and his thanks are also justly due to Mr. Grayson, Deputy Ordnance Storekeeper at Graham's Town, for his active and effectual measures to ensure the supply of ordnance stores.

14. The Commander-in-chief requests to express to Colonel Brandreth, commanding the Royal Artillery, and to Mr. Lawson, Ordnance Storekeeper at Cape Town, his high sense

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Sir B. D'Urban
to the Earl of
Aberdeen,
19 June 1835.

Sub-Enclosure 2,
in Enclosure 20.

of their indefatigable and able arrangements for supplying the frontier force with artillery and ordnance stores, all which, notwithstanding the difficulties and the distance, have been abundantly furnished.

15. The especial thanks of the Commander-in-chief are due to Deputy Commissary-general Petrie, Chief of the Commissariat in the colony, for the signal ability and energy with which, overcoming difficulties that had appeared almost insuperable, he succeeded in sending to the frontier districts (a distance of 700 miles) such ample supplies of provisions, and of all things necessary, not only for the troops within and without the colony, but for the subsistence during many weeks of some thousands of His Majesty's subjects, who had no resource but the commissariat stores, and must otherwise have perished of hunger and destitution.

He also desires to thank Deputy-assistant Commissary-general Watt for his active and labourious exertions in the same service.

(signed) *H. G. Smith*, Colonel.

(Sub-Enclosure 3, in Enclosure 20.)

Sub-Enclosure 3,
in Enclosure 20.

Head Quarters, Camp King William's Town,
8 June 1835.

RETURN of the Killed and Wounded of the Invading Army, from the 1st of April
to the 7th of June 1835, inclusive.

9 Killed :—

- 1 officer (Major White) Deputy Quartermaster General, Burgher Force.
1 Sub-adjutant (Armstrong), Beaufort Levy.
1 Burgher, of Van Wyk's Division.
- | | |
|-----------------------------|-----------------------------|
| 3 Non-commissioned officers | { 1 Cape Mounted Rifles. |
| | { 2 Provisional Hottentots. |
| 3 privates - - - - - | { 1 Cape Mounted Rifles. |
| | { 2 Provisional Hottentots. |

Of these six were by the enemy and three by accident.

17 Wounded:—

- 1 Field Commandant (Van Wyk), slightly.
 1 Captain (Murray, 72d Regiment), severely.
 4 Burghers, of Van Wyk's Division, severely.
 1 serjeant, Provisional Hottentots, severely.
 7 privates { 4 of the 72d Regiment - } 3 severely.
 { 3 Provisional Hottentots - } 4 slightly.
 1 of the Corps of Guides, dangerously.
 2 camp followers { 1 severely.
 { 1 slightly.

Of these 12 were by the enemy, and five by accident.

The wounded have done well, with the exception of three cases, which I am sorry to say proved fatal.

The general health of the troops has been extraordinarily good, considering the great exertions and hardships to which they have been exposed. The only diseases of importance that have occurred were amongst the burghers and newly levied men, and these were mostly owing to their not having been inured to a military life, for not a single officer or soldier of the regular army has died or required to leave the field on account of sickness during the whole campaign, which I ascribe partly to the judicious and perfect manner in which the army was organized and equipped in the first instance, and partly, perhaps I should say chiefly, to the salubrity of the climate, in which respect I do not think that this country is surpassed, and I question if it be equalled, by any in the world.

(signed) *John Murray*, M. D.
Principal Medical Officer.

(Enclosure 21, in No. 3.)

Encl. 21, in No. 3. TO his Excellency Major-general Sir *Benjamin D'Urban*, Knight, Commander of the Bath, of Hanover, &c., Major-general in His Majesty's Army, Governor of the Cape of Good Hope and its Dependencies, and Vice-Admiral of the same, and Commander-in-Chief of His Majesty's Forces in South Africa.

May it please your Excellency,

1. We, the Wesleyan Missionaries of Albany and Caffreland, assembled in Graham's Town, this 2d day of June 1835, to deliberate on the concerns of the Wesleyan missions in Caffraria, feel

Enclosure N^o 22.

OUTLINE SKETCH
of the Colony of the
CAPE OF GOOD HOPE.

*Shewing the Situation and Extent of
the New Territory annexed to His
Majesty's Colonial Dominions by Procl:
10th May 1835 - and now become the*

PROVINCE OF QUEEN ADELAIDE.



feel it our duty, as Christian ministers, to acknowledge the numerous instances of your Excellency's kindness towards us, for which our unanimous thanks are hereby tendered to your Excellency.

2. Lamentable and distressing as the events of the Caffre war have been, as well towards the Caffres themselves as the colonists, we are yet consoled with the reflection that, so far as the Colonial Government is concerned, it has been conducted in accordance with the principles of justice and of mercy. We know, in common with our countrymen, that the Caffres were themselves the aggressors; and that they most wantonly, cruelly and ungratefully commenced this war, with a people who sought and desired their welfare and prosperity; yet, to deny the righteousness of God in our public calamities would be equivalent to a renunciation of the Christianity we profess; while, to trace the correspondence between those calamities and our sins, is unquestionably a sound application of its holy principles to their legitimate purpose. When a considerable portion of the public revenue is drawn from licensed houses, where intemperance is encouraged, and where multitudes amongst the people greedily avail themselves of that encouragement, to indulge without restraint a thirst for ardent spirits, in places where poison is legally sold, it cannot be considered unjust in the Almighty to waste such a revenue in an expensive war, or to cause such a people, in various ways, to feel the miseries resulting from the irruption of hostile tribes on their border. We crave your Excellency's indulgence for venturing on the above momentous remark; and beg leave most respectfully to assure your Excellency, that it proceeds not from that wild spirit of dissatisfaction which is, in the present day, so clamorously expressed in various parts of the British Empire, but from the honest plainness of Englishmen and of Christians, who love their constitution and their country, and ardently desire its universal prosperity.

3. To your Excellency's fatherly care some of us are mainly indebted for the preservation of our lives; and the arrangements your Excellency made for our safety and comfort in the camp, and in travelling to the colony, which arrangements were humanely carried into effect by all who were under your Excellency's command; the considerate attention of your Excellency to the necessities of the natives associated with us in our distresses, and the condescension which has marked your Excellency's intercourse with us, whenever circumstances have rendered an interview with your Excellency necessary or desirable, all lay us under a lasting debt of gratitude which we feel cannot be easily repaid. May the God whom we serve reward your Excellency with his eternal love and favour!

4. Sensible that we can most effectually discharge the duties of our high and holy calling, as well as best serve our revered Sovereign, and promote the interests of our country, by steadily pursuing our own work in our proper sphere, we should not have obtruded ourselves on your Excellency's notice by the formal presentation of an address, had we not felt that the omission thereof might be justly deemed a dereliction of our public duty; and now, having performed this duty, we return to our retirement, with high sentiments of respect, esteem and affection for your Excellency, and with hearty wishes for the health, long life and happiness both of your Excellency, and of your Excellency's family.

Signed, in behalf of the meeting,

W. J. Shrewsbury, Chairman.

W. B. Boyes, Secretary.

(Enclosure 22, in No. 3.)

OUTLINE SKETCH of the Colony of the *Cape of Good Hope*, showing the Situation and Extent of the new Territory annexed to His Majesty's Colonial Dominions by Proclamation, 10 May 1835, and now become the Province of Queen Adelaide.

Encl. 22, in No. 3.

No. 4.
Sir B. D'Urban
to the Earl of
Aberdeen,
26 June 1835.

— No. 4. —

COPY of a LETTER from Governor Sir *B. D'Urban* to the *Earl of Aberdeen*.

(Separate and Confidential.)

My Lord,

Graham's Town, 26 June 1835.

IN having the honour to transmit herewith a duplicate of my Despatch of the 19th instant (sent by Lieutenant Beresford), I request permission to offer to your Lordship's attention a few observations upon a subject which, as I think, is of great importance to the future good government of this colony.

The seat of the colonial government, Cape Town, is, without doubt, ill-placed with relation to the present extent and local circumstances of the colony*. At the very extremity of the peninsula which forms it, Cape Town is too far from its central, northern, and above all, its eastern provinces, even without the late addition of that of Queen Adelaide. This was not the case in the original extent of the colonial territory, but it certainly is so now, and it sometimes occasions great inconvenience and embarrassment to the public service. It is 300 miles from the district town of the Province of George; 600 from that of Uitenhage; 700 from those of Graaff Reinet, and of Albany and Somerset; great part of these communications too by very bad roads.

If the lately acquired province be retained, the distance to King William's Town will be about 80 miles farther, 780.

At such distances respectively, there are many references to the Governor, of which the decisions are unavoidably retarded, to the inconvenience of the parties; many things requiring his more frequent personal superintendence, than it is now possible for him to afford it, without neglecting other duties; and the provinces where that superintendence is most frequently requisite, are at once the most distant and the most valuable of the colony.

The practical result of all this has brought me to the conclusion, that one of the two remedies is absolutely necessary, and *that* even without considering the new Province of Adelaide: one (and in my opinion the best) is the removal of the seat of government; the other, the appointment of a Lieutenant-governor for the distant provinces.

In the last of these, besides a great increase of expense by an additional establishment, which will be considerable, I foresee great collision and want of efficient co-operation, and much resulting inconvenience to the public service. This, therefore, I cannot recommend; but I am of opinion, that the first may be applied, with no comparative difficulty in execution, to its prospective advantages.

For this end, I would propose to remove the seat of government to Uitenhage. Its position is central, and exceedingly well adapted, as it appears to me, to all the purposes of a seat of government, with relation to the different provinces, and other circumstances of the colony.

Its communications with England would be direct by Port Elizabeth, 18 miles off, where Algoa Bay affords a harbour which only requires a lighthouse and a landing-pier (works of inconsiderable expense compared with the object of them) to render it excellent and perfectly fit for its purpose. Upon this point, I may here say, that the naval officers who have been recently there co-operating with me, entertained a very favourable opinion of it; which was certainly borne out by the fact, that during six months, notwithstanding the number of vessels continually lying there for the supply of the troops and inhabitants in the eastern districts, and in all the various winds which have from time to time prevailed during that period, not one has been lost, nor has any cargo, that I am aware of

* Here I request reference to the skeleton map enclosed in the original despatch, No. 3, which will best elucidate the point in question.

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of (in the absence too of a pier), failed of being safely landed. Cape Town might still remain a commercial port, and its communications with Port Elizabeth by steam-navigation (which would naturally result from the proposed change) would be rapid and continual; and Simon's Bay might still, as now, be the naval dépôt and station.

No. 4.
Sir B. D'Urban
to the Earl of
Aberdeen,
26 June 1835.

I have ventured to offer my view upon this subject to your Lordship, because I think it my duty, in the circumstances; it is at least the result of practical experience and of mature consideration.

If, however, your Lordship should not concur with me in it, then, a Lieutenant-governor, with a certain establishment, should be placed at Uitenhage, to execute, for that province and those to the northward and eastward of it, all the ordinary functions of the executive, under the general superintendence and authority of the Governor, to whom should be reserved the higher powers which His Majesty delegates, of pardon, the fiat of condign punishments, the enactment of colonial ordinances, &c. &c.

And in this case I do not think the Lieutenant-governor's salary could be fairly less than 1,000 *l.* a year, with a house, secretary, &c., and the necessary establishment for his office. And should this be so determined, it appears to me, that (considering too, the unquiet state in which these border districts must inevitably continue for a considerable time to come,) there is no person so well calculated to serve His Majesty efficiently in the capacity of Lieutenant-governor, as Colonel Smith, now holding the military command in the Province of Queen Adelaide, who is, besides, as your Lordship is aware, *ex officio* as senior officer of the troops, actually the successor of the Governor in case of the death or absence of the latter.

This arrangement, however, of a Lieutenant-governor, as I have already said, I do not recommend, nor do I think it judicious, or one that will well succeed in practice. If the other (the removal, namely, of the seat of government, which I do recommend, because I think it will answer its purpose,) be adopted, and if, also, the new Province of Queen Adelaide be, as I earnestly hope it will, retained, then I request your Lordship, because I know it will be for the true interests of His Majesty's service, that Colonel Smith may be appointed civil commissioner of that province, with the ordinary emoluments of that appointment (500 *l.* a year and a secretary), continuing also in the military command of the district as at present.

I have the honour to be, my Lord,

(signed) *B. D'Urban.*

P.S. All is well upon the frontier, and in the new province, as when I wrote to your Lordship on the 19th instant.—*B. D.*

— No. 5. —

Copy of a DESPATCH from Lord *Glenelg* to Governor Sir *B. D'Urban*.

Sir,

Downing-street, 26 December 1835.

No. 5.

I HAVE to acknowledge the receipt of your despatch of the 19th of June last, reporting the progress and the conclusion of the warfare in which you had been engaged for several preceding weeks with the Caffre tribes inhabiting the country to the eastward of the Cape of Good Hope.

Lord Glenelg to
Sir B. D'Urban,
26 December 1835.

My immediate predecessor, the Earl of Aberdeen, had the honour of signifying to you His Majesty's entire approbation of the "prompt and energetic measures which you had adopted, with the view of arresting the progress of the invaders, and of compelling them to retire within their own territory." I have to discharge the additional and grateful office of acquainting you, that

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Lord Glenelg to
Sir B. D'Urban,
26 December 1835.

the King is pleased to commend the vigour and decision with which that important service has been executed.

It is indeed true, that even success, against such an enemy, could bring little accession to the military distinction which you have acquired in other parts of the world; but it affords His Majesty high gratification to observe, that in this new form of warfare, His Majesty's forces have exhibited their characteristic courage, discipline and cheerful endurance of fatigue and of privations.

It has also been peculiarly gratifying to His Majesty to learn, from your General Orders, that the loss of life incurred by his forces in this service, has been, comparatively, so inconsiderable.

Having thus performed a duty agreeable on every account to my feelings, I proceed to the more difficult office of considering the origin, the progress, and the results of your hostilities with the Caffre tribes. On these subjects it was my anxious desire to address you at a much earlier period; but after the most attentive and repeated perusal of every part of your despatches, and of their enclosures, I still find myself impeded in the execution of that purpose, by the want of sufficient official information for the guidance of His Majesty's Government on this occasion. With the most ample details of all your military operations, you have not combined any clear and comprehensive explanation of the causes which provoked the irruption of the Caffres into the colony. I advert to this omission with no intention of imputing it to you as a neglect of duty. I can well understand that amidst the labours, civil and military, so urgently demanding your attention, you may not have found leisure for such a retrospect of the origin of this calamitous warfare. Thinking, however, that a correct understanding of the relations between the colonists and the Caffres for several years past was indispensable, in order to form a right judgment on the events of the year which is now closing, and having, in expectation of assistance from yourself on that subject, postponed this communication to the latest possible moment, I am at last reluctantly compelled, in the deficiency of official intelligence, to draw many conclusions from less authentic sources of information.

I have thus been led to the study of a large mass of documents, of which some are accessible to the public at large, and others have been brought under my inspection by the voluntary zeal of various individuals, who, from many different motives, interest themselves in this discussion. These researches have afforded me some advantages for forming a correct conclusion as to the causes and probable effects of the war, which I could not have found in the perusal of any reports, however minute and elaborate, drawn up by any single writer, even though possessed of all the means of knowledge so peculiarly at your command. The disadvantage of reposing my judgment on materials of this nature is too manifest to require any particular statement; while many facts are demonstrated to my own conviction, and to that of my colleagues, so completely as to exclude all reasonable doubt, I am compelled to state them without the possibility of adducing the proofs by which they are supported. Those proofs could not be intelligibly arranged within the compass of a despatch, nor indeed within that of a considerable volume. To some of them I should be extremely reluctant to make a more particular reference, because it would involve the necessity of discussing the credibility of the different witnesses, and would thus lead me into personal topics totally unbecoming the present occasion. In some instances also, I might perhaps, however unintentionally, be violating the confidence in which some of the papers before me were written. The result, therefore, is, that I must on my own responsibility state the conclusions which I have formed respecting the origin of the late invasion of the colony, and the events which ensued. I should gladly have declined such a duty, had it been possible; but I may not shrink from it when thus forced upon me. For my own acquittal hereafter, I have caused the whole series of documents, printed and written, which I have been compelled to examine, to be carefully recorded in this office. If not immediately accessible to the public at large, they will at least remain here in vindication of the opinions which I have deduced from them. In the meantime, you will, I am sure, give me credit for having studied them all, not merely with diligence and impartiality, but with a predisposition, arising alike from duty and inclination, in favour of the measures adopted by yourself, and by
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the various officers who have preceded you in the government of the colony of the Cape of Good Hope.

I commence with one position which is beyond the reach of controversy. Adopting the language of Lord Aberdeen, I concur entirely with him in declaring it to have been your clear and indispensable duty "to arrest the progress of the invaders, and to compel them to retire within their own territory." Nor was this the whole extent of your duty in that critical state of public affairs; you were not less distinctly bound to take effective measures for putting down within Caffreland itself, all assemblages of men who had either formed or were in the act of forming themselves into bands hostile to the colony. You were also entitled to take effectual securities against the recurrence of similar invasions.

Passing from this preliminary statement (which may, perhaps, seem little else than the enunciation of a self-evident truth) I reach those questions which really demand inquiry, and on the solution of which the practical measures of His Majesty's Government must, to a considerable extent, depend. Thus, it is necessary to consider whether the invasion of the colony by the Caffres was provoked by such wrongs as afforded them a legitimate cause of war, or whether it is correctly designated by you, as an "unprovoked aggression." If the Caffres were able to allege in defence of their hostilities any such intolerable wrongs as justified them in seeking redress by the sword, then our victory should have been followed by such ample reparation for the original injury as it was in our power to make. Having, in fact, been followed by the expulsion of the tribes from their own territory, and by other extreme measures, it is further necessary to consider whether your hostilities might not have been more limited in their range, or arrested at an earlier period.

The reasons to which I have already adverted, compel me to state merely the result of my inquiries into the origin of the Caffre invasion, unsupported by the evidence on which I rely. The conclusion, though exhibited in a few general terms, is the fruit of a long and extensive investigation. I abide by it with the greater confidence, because it has been forced upon me by proofs, of which I would gladly have resisted the pressure. But yielding to the conviction which has thus been impressed on my mind, I am constrained to admit, that in the conduct which was pursued towards the Caffre nation by the colonists, and the public authorities of the colony, through a long series of years, and which the short period of your administration could not have enabled you to correct, the Caffres had an ample justification of the war into which they rushed with such fatal imprudence at the close of the last year. This justification rests on two distinct grounds.

First, The Caffres had to resent, and endeavoured justly though impotently to avenge, a series of encroachments upon them, which had terminated in the assumption by Great Britain, first, of the dominion, and then of the exclusive possession, of all the country between the Great Fish River and the Keishkamma. To effect this object, we commenced by ascribing to the chieftain Gaika an authority which he did not possess, and then proceeded to punish him and his tribes because he failed to exercise that imaginary power for our benefit. We held him responsible for the acts of his and our own common enemy, and exacted from him and his people a forfeiture of their lands, as a penalty for the retaliation made by the chief Slambie, after the invasion of his country by Gaika and ourselves. We forced on our ally a treaty, which, according to the usages of the Caffre nation, he had no authority to conclude, and proceeding on that treaty, we ejected the other Caffre chiefs, who were no parties to it, from their country. The compact thus made was on our side repeatedly infringed. Of the country of which the dominion was acquired in order that it might be placed as a barrier between the two nations, and which, with that avowed object, had been especially devoted to be thenceforward a neutral and uncultivated waste, extensive tracts were speedily occupied, partly by British, and partly by Hottentot settlements. The Caffres, imitating our example, endeavoured to resume the possession of some part of their lost country. They were at times driven back at the point of the bayonet, and either shot or flogged, if captured to the westward of the Keishkamma. At other times, their residence within that frontier was permitted if not encouraged. But as often as the fluctuating policy of the colonial government led to the disapproval of this indulgence, they were again driven back in large bodies into their remain-

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ing lands, with all the rigour of military execution against their persons and property. Harassed by this long series of aggressions, and the victims of successive changes in the opinions and conduct of the local authorities, the immediate motives of their invasion in December 1834 would seem not very difficult to be discovered. In the Appendix to your Despatch of the 19th of June you state, "the avowed object of the savages in their present invasion, is the extension of their territory, or in other words, the recovery of a tract of country from which similar atrocities to those they are now committing compelled the colonial government to remove them, and which was afterwards formally ceded to us by treaty." Dissenting from the accuracy of the impressions which you have received respecting the cause of the expulsion of the Caffres from their former possessions, and unable as I am to attach any authority to the treaty to which you here refer, I yet deduce from this passage a clear confirmation of the opinion maintained by almost every other witness on the subject, that the Caffres were stimulated to this war by the belief that they had been unjustly despoiled of their country, and by the hope of regaining possession of it. I am compelled to conclude, that they wanted nothing to the completeness of this right, except the power to render their assertion of it effectual.

2dly. The next cause of war which the advocates of the Caffres have alleged in their defence, is, that the tribes were, for a long series of years, harassed by incursions into their country, which, though conducted under the express sanction and guidance of the authorities, civil and military, of the frontier districts, were yet, it is said, attended by a long series of acts of injustice and spoliation in the highest degree indefensible. On the part of the colonists are alleged the predatory character and habits of their neighbours, and the right, or rather the duty, of retaliation for robberies committed upon the defenceless farmers and other inhabitants of the districts of Albany and Somerset.

It is evidently impossible to weave into any one connected history the long catalogue of these border forays: nor would such a narration, if it could be compiled, answer any useful purpose. But throughout the whole of these incidents, the mode of proceeding against the Caffres for the restitution of stolen cattle, was one which it is impossible to condemn too strongly as unjust, or to lament too deeply as productive of calamitous results.

It is established beyond all possibility of contradiction or doubt, that for a series of years immediately preceding the invasion of 1834, the practice on our frontier districts was as follows: A farmer who had lost, or who thought proper to allege that he had lost, any of his cattle, preferred his complaint either to the field-cornet or to the military commandant of his district. Without further evidence or investigation, either into the reality of the loss or into the causes which might have produced it, a military force, with the complainant for the guide, entered the Caffre country. Following up any tracks which he might, with whatever truth or falsehood, point out as the traces of his own cattle, they advanced to the first kraal or village to which these marks conducted them. There, without further inquiry, they demanded restitution. Innocence of the theft was not admitted by the commanders of these parties as any defence against these demands. Whoever might have been the real authors of the wrong, the inhabitants of the kraal were required to compensate the loss, whether real or pretended, of the complainant, for no better or other reason, than that he chose to ascribe to the tread of his lost cattle the marks which had been traced from the borders of the colony to that particular kraal. It was to no purpose to allege that these were the traces of other cattle, or that the real robbers had driven the cattle into the neighbourhood of the kraal to excite an unfounded suspicion against its inhabitants. Utterly regardless of these and all other grounds of vindication, the commanding officer, in the regular discharge of the duty assigned to him, enforced immediate reprisals against the kraal, driving away the cattle, and, in the event of resistance, proceeding to whatever extremities he might find or suppose necessary; extending in many cases to the burning the huts and the firing upon the inhabitants.

The injustice of such proceedings of course requires no proof. Their disastrous results are scarcely less evident. The Caffres were unavoidably converted by them into a nation of depredators. The inhabitants of the pillaged kraal had before them the alternative of perishing for want, or of imitating the conduct of their

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their aggressors, by retaliating upon the nearest proprietor of cattle whom they could surprise or overpower. Thus the predatory spirit was incessantly receiving new force and renewed apologies for its indulgence. Insecurity, depravity of manners, and social wretchedness, were diffused throughout our whole vicinity; and our own people, though not the only victims, were necessarily amongst the chief sufferers, from the maxims which we had established and the conduct we had pursued.

If this practice of punishing the innocent for the guilty, and of assuming the existence of guilt on the bare assertion of the interested party, had occurred in insulated cases only, or at a remote time, or had been the unauthorized act of individual wrongdoers, the injuries of which the Caffre nation had to complain might not perhaps have afforded them a legitimate cause of war. But this system of reprisals appears to have been the established usage of the colonists, under the direct sanction, and with the constant co-operation, of the officers of government on the frontier. It was pursued from year to year, even down to the very close of the year 1834. I have before me the evidence of eye-witnesses whose statements in this respect derive strong incidental confirmation from the official reports which you have transmitted, and who assert that at the eve of the invasion they saw the kraals burning and the Caffre chiefs lamenting with bitterness of heart the injuries which they had sustained by the punishment of their defenceless and unoffending people for the imputed robberies of their fellow countrymen. At the very same time I find that the principle of punishing resistance to our patrols, by firing on the Caffres who might venture to defend their own property, was acted upon in such a manner, that two of the native chiefs were wounded. And yet it is well known that the national affection for the chiefs is such, that an injury offered to their persons, even in war, is regarded in the light of a profanation. Of course I do not mean to assert that our troops when engaged in open hostilities with the tribes were bound to adopt their maxims, or even to respect their feelings with regard to the chiefs; I refer to those feelings only as contributing to explain the intensity of the sense of injury, and the blind thirst for revenge which the Caffres so speedily manifested.

With such facts before me, I cannot refuse to the Caffres the benefit of this second apology for their irruption into the colony. They may indeed have been, nor can I doubt that they were, accustomed to harass the inhabitants with their depredations. But driven as they had been from their ancient and lawful possessions, confined within a comparatively narrow space, where pasturage for their cattle could not be readily found, and urged to revenge and desperation by the systematic injustice of which they had been the victims, I am compelled to embrace, however reluctantly, the conclusion, that they had a perfect right to hazard the experiment, however hopeless, of extorting by force that redress which they could not expect otherwise to obtain.

You, indeed, would deny the last of these statements. In your despatch of the 21st of January, you denounce the irruption of the Caffres as inexcusable, for a reason which you assign in the following terms: "I was in special negotiation with them for a new, and to them a very advantageous, order of relations, into the details of which Dr. Philip, chief of the London mission, had personally, as well as by his missionaries living among them, entered fully with them as lately as October 1834, with which they had expressed their satisfaction."

It is no impeachment of your habitual accuracy to say, that you have inadvertently fallen into a misconception of the facts of this part of the transactions under review. I have before me evidence the most conclusive, to show that Dr. Philip did not, either in his own person, or through the agency of any other of the missionaries of his society, make those communications to the Caffre chiefs, with which you state him to have been charged by you. Whether he misunderstood your instructions, or whatever circumstance may have occasioned it, of the fact itself there can be no doubt. He neither negotiated as the agent of the local government with the Caffres, nor even delivered any message from you to the chiefs. We are, therefore, not entitled to impute to the Caffres the fault of having burst into the colony regardless of the obligations to forbearance imposed upon them by the pendency of such negotiations as you have mentioned.

I find, however, both in the proclamation which you published at Graham's
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Town, and in your despatches to me, expressions, of which it is the object to show that the total and incurable depravity of the Caffres is such as to place them, not only beyond the pale of civilized society, but even beyond the range of those principles which regulate the hostilities of more cultivated nations. From this representation it would seem to follow, that in the case of such enemies there is no room for those anxious deliberations, in which I have thought myself bound to engage, respecting the justice of the cause of war. In your proclamation of the 10th of May, you denounce these people as "irreclaimable savages;" and in your despatch of the 19th of June, you observe, that the Hottentots and Fingoes "not at all inaptly compare the Caffres to wolves, which in truth they resemble very much, which, if they be caught young, may be brought, for their own interest and gratification in the matter, to an appearance of tameness, but which invariably throw it off and appear in all their native fierceness of the woods, so soon as the temptation of blood and ravage, which never fails to elicit their natural fierceness, presents itself to their instinctive thirst for it."

It would be difficult for me to describe the pain with which I have read and have laid before His Majesty the preceding passage. I am well aware with what prompt and earnest humanity you applied your mind, shortly after your arrival in the colony, to the improvement of the social condition of the Caffres; and I would venture to refer the views and feelings expressed in the words which I have quoted, to the passing excitement of the hostilities in which you were engaged. You will, I am sure, concur with me cordially in reprobating the practical consequences which in so many regions of the globe have been enforced and palliated, if not directly justified, by similar reproaches cast indiscriminately on the uncivilized men with whom the natives of Europe, or their descendants, have been brought into contact. Having classed their fellow-creatures among the wild beasts of the forest, these claimants to the exclusive title of human beings, have found little difficulty in defending, at least to their own satisfaction, whatever measures were necessary for the subjugation or destruction of the common enemy. Abhorrent as such conduct is from your own temper and character, I must express my regret that you should, even through inadvertence, have given any countenance to it by the employment of the terms alluded to; terms not used in any careless discourse, or hasty writing, but in a despatch addressed to His Majesty's Government for their guidance on a practical question of the utmost importance and difficulty.

I am further constrained to record my dissent from the unfavourable estimate which you have formed of the Caffre character. Referring to the great mass of evidence which it has been my duty to examine, I find it replete with proofs of a directly opposite tendency. I learn that amongst this proscribed race, Christian missionaries have passed many years respected, honoured and secure. It is placed beyond dispute that at the very moment when the countrymen of those missionaries were harassing Caffreland with incessant patrols and commandoes, the teachers of religion, relying implicitly on the honour and good faith of the tribes, continued to receive kindness and protection.

In the midst of all the calamities incident to their situation in our immediate neighbourhood, the Caffres, under the guidance of their Christian ministers, have built places of public worship; have formed various congregations of proselytes, or of learners; have erected school-houses, and sent their children thither for instruction. In the meanwhile no inconsiderable advance has been made in agriculture and in commerce. A trade, variously estimated, but not amounting to less than 30,000 *l.* per annum in the purchase of European commodities, had been established on the frontier, and as many as 200 British traders were living far beyond the boundaries of the colony, protected only by the integrity and humanity of the uncivilized natives.

To such a people the character of "irreclaimable savages" cannot with justice be assigned. Nor indeed, even if well founded, would this reproach come with a good grace from us, unless it can be asserted that we have, as a Government, fairly brought to the test of experiment whether they can or cannot be reclaimed.

Quitting a topic on which I have not entered without unaffected reluctance and pain, I proceed to the next argument on which you rest the vindication

of your measures against the Caffres. It is drawn from the authority due to the opinion of their own Christian teachers.

In your despatch of the 21st of January you observe, that "all the missionaries on the border, men of peace and religion, concur in one opinion of the wanton atrocity of the invasion, and of the impossibility of any other remedy than that of the sword." This statement, however, was evidently made under a misapprehension of the real facts of the case. I have before me the conclusive proof that the missionaries of the London and Glasgow Societies, instead of regarding the invasion as a wanton and unprovoked act, considered it as a natural re-action on the part of the Caffres against a series of extreme and intolerable oppressions. So far are they from thinking the sword the only remedy, that, on the contrary, they insist, even with importunity, on the certain efficacy of other methods, of which kindness, conciliation and justice should form the basis.

The Wesleyan missionaries, in an address professing to be offered in the name of the whole body, though signed only by Messrs. Shrewsbury and Boyes, support your measures, and pronounce an unqualified condemnation of the Caffres. Whatever might be my own opinion of the tone and character of that address, and of the topics which its authors have selected, I should not scruple to allow to their declarations all the weight due to the sacred office which they sustain, if I had not found amongst the enclosures in your despatch of the 19th of June, Mr. Shrewsbury's letter of the 10th of January 1835. After the perusal of that document, I must plainly say that I cannot attach the slightest value to that gentleman's judgment on the present occasion. You state yourself not to have been prepared to adopt measures so severe as those which he there recommended. It was scarcely necessary for you to have taken the trouble of giving me such an assurance. Trusting that the highly respectable body to which Mr. Shrewsbury belongs will promptly disavow all participation in the opinions which he has recorded, and the counsels which he has given, respecting the conduct to be observed towards the Caffres, and hoping that on mature reflection they will be retracted by their author, I spare myself the pain and humiliation of any more particular comment on the document in question.

I am not aware that in the preceding pages I have omitted to notice any one of the grounds which have been adduced in order to throw on the Caffres the responsibility of the late hostilities. It is with the utmost reluctance that I find myself reduced to the necessity of confessing that the result is very far from favourable to the character of British policy in Southern Africa.

I will now advert, though more briefly, to the progress of these hostilities.

It would be impossible to add anything to the strength and emphasis of the terms in which the ravages of the Caffres within the districts of Albany and Somerset are depicted in the papers before me. These expressions, however, advance very little beyond generalities. I find no statement from yourself, or any of the officers of your government, in any definite or tangible form, of the actual loss of life or property. That the invasion was marked by bloodshed and devastation, is a fact of which formal proof is of course unnecessary. That it was accompanied by any outrages of which, in our own incursions into Caffreland, the precedent, and therefore the apology, could not be found, is an assertion of which more direct evidence must be required. Whether, according to the laws of war, as established by our own practice in Southern Africa, the Caffres abused their belligerent rights, is a question which would merit inquiry if our own subsequent conduct is to be defended on the plea of retaliation. It is on every account material to know what was the precise loss which the settlers sustained by the invasion.

Your measures for repelling the invaders were conducted on a most extensive scale. You collected on the frontier an army of no less than 5,000 men; leaving one division for the protection of the frontier, you advanced with the larger portion of your troops into Caffreland, on an expedition, of which the success never appears to have been checked, even for a moment. The only opposition which you encountered was from disorganized bodies of men skulking in their natural fastnesses; and, after a campaign of nearly three months' continuance, your loss in killed and wounded amounted only to 18 men. Even of that small number, some appear to have lost their lives by such a contempt for their opponents, as led to acts of almost incredible temerity. After the date of your despatch of the 19th June, I collect from other sources, that some detachment of your troops had been cut off by surprise.

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When I contrast with these results the fatal consequences of the war to the Caffres, it is impossible not to be deeply impressed with the inequality of the contest, and the utter helplessness of their undisciplined hordes in an encounter with regular troops. The various General Orders published by your officers and by yourself, abound with accounts of the most formidable losses, both of life and property. I find no reference to the capture of any prisoners, but on various occasions hundreds of the Caffres are noticed as having fallen. Amongst many passages illustrative of the manner in which the war was conducted by the British troops, I select for illustration the following, from a letter addressed by Colonel Smith to yourself on the 11th of June. "The enemy, although his traces were numerous, fled so rapidly, that few were killed, and only three shots fired at the troops. The whole of the country has been most thoroughly traversed; upwards of 1,200 huts, new and old, have been burnt; immense stores of corn in every direction destroyed; 215 head of cattle of all sorts captured; several horses, and nearly 2,000 goats, have fallen into our hands. The women were very numerous; and I therefore caused them to be amply supplied with beef and biscuit, and dismissed them with the assurance that the atrocities of their husbands had made them forfeit their homes, and that they must move over the Kye. They all stated that they were anxious to do so. It is most gratifying to know that the savages being the unprovoked aggressors, have brought down all the misery with which they are now visited upon the heads of themselves and their families; and that the great day of retribution, and the punishment of the unprovoked atrocities committed by these murderous savages on our colonists, had arrived."

Reading these statements at this distance from the scene of action, I must own that I am affected by them in a manner the most remote from that which the writer contemplated. In the civilized warfare of Europe, this desolation of an enemy's country, not in aid of any military operations, nor for the security of the invading force, but simply and confessedly as an act of vengeance, has rarely occurred, and the occurrence of it has been invariably followed by universal reprobation. I doubt, indeed, whether the history of modern Europe affords an example even of a single case, in which, without some better pretext than that of mere retribution, any invaded people were ever subjected to the calamities which Colonel Smith here describes: the loss of their food, the spoiling of their cattle, the burning of their dwellings, the expulsion of their wives and families from their homes, the confiscation of their property, and the forfeiture of their native country. I am, of course, aware that the laws of civilized nations cannot be rigidly applied in our contests with barbarous men; for those laws presuppose a reciprocity, which cannot subsist between parties of whom the one is ignorant of the usages, maxims and religion of the other. But the great principles of morality are of immutable and universal obligation, and from them are deduced the laws of war. Of these laws the first and cardinal rule relating to a state of hostility is, that the belligerent must inflict no injury on his enemy which is not indispensably requisite to ensure the safety of him by whom it is inflicted, or to promote the attainment of the legitimate ends of the warfare. Whether we contend with a civilized or a barbarous enemy, the gratuitous aggravation of the horrors of war, on the plea of vengeance or retribution, or on any similar grounds, is alike indefensible. Now I must profess my inability to discover what danger could be averted, or what useful object could be attained, by the desolation of the Caffre country, which Colonel Smith has described. The inhabitants had been taught the utter hopelessness of a contest with the British force. They had learnt that, for their injuries, whatever they might be, the redress was not in their own power. As the conviction of their helplessness was thus forced upon them, forbearance in the use of our irresistible means of destruction became still more clearly the paramount duty of the leaders of His Majesty's forces.

I cannot even in this brief review of your military operations, pass without particular notice the incident of the captivity and death of Hintza, or overlook the warfare waged against him and his people.

After anxiously examining every word which has been written on the subject by Colonel Smith and yourself, I must avow that I am not satisfied, either that this chieftain was the legitimate object of your military operations, or that his death admits of any satisfactory justification. You charge his tribe, in your despatch of the 5th of January, with having supported the tribes on the border, but at that time you had plainly no evidence of the fact in your possession. That on the

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the 19th of March he was in not open hostility, is manifest from the omission of his name in the catalogue which you then drew up of the hostile tribes. Indeed it is evident that at that time his professions were pacific; he was desirous, as you state, of "holding off." It is said that his people were decidedly hostile, but of this assertion also the proof is wanting. In the predicament in which he was placed, neutrality was the wise and justifiable policy of Hintza; nor can I perceive why he should have been censured for pursuing it. Yet I find that, previously to the 19th of March, hostilities against him were meditated.

By your despatch of the 19th of June, it appears that, as early as the month of February, you had ascertained beyond all doubt, that if not the original contriver, Hintza had been the instigator of the combination; that he had been very early referred to, and consulted by the chiefs; that he had afforded them his countenance and advice; that he had received the cattle of the colonists; that he had permitted, if not directed, many of his own people to join in the invasion, and that the chiefs had relied on his support. Still stronger convictions of these facts having been impressed on your mind, you on the 22d of February delivered to Colonel Smith a plan of operations, which you proposed to extend into Hintza's country; and proceeding shortly afterwards to carry that plan into execution, this chief was induced to offer himself in your camp as a hostage for the performance of the engagements into which he was required to enter.

You will of course have provided yourself with the proofs on which you acted on this occasion. It may be true that the borderers had driven the cattle into Hintza's country. Nor do I doubt that every assertion which you have made on this subject was carefully weighed, and represents the facts with the closest possible adherence to the evidence which was in your possession at the time. It is not therefore without extreme distrust that I exhibit, in contrast with your statements, impressions derived not from a distinct knowledge of facts, but from the apparent presumptions of the case. Reasoning only from probabilities, I should have thought it scarcely likely that Hintza had either instigated or countenanced the war. Threatened by the Zoolah nation to the eastward, and removed from immediate contact with the British dominions, he had a few years before found in our power a support against his formidable neighbours. By engaging in war with us, he had much to dread, and little or no apparent prospect of advantage. It is evident that he was fully aware of the benefits of our alliance, and possessed judgment and sagacity enough to take a very distinct view of his own interests. On the other hand, there were many who had an unworthy but powerful motive for traducing him, as the enemy of the colonists: he ruled over a remote but fertile country, rich in cattle, and offering a far more tempting prospect of indemnity or of gain than the lands of the border chiefs.

I will not pause to inquire whether Hintza was justly detained in your camp as a prisoner, or whether he was really liable to pay with his life the penalty of attempting to escape from the detachment which accompanied him. All this being conceded, there yet remains the question, not hitherto solved, nor, as far as I can perceive, even discussed. He was slain when he had no longer the means of resistance, but covered with wounds, and vainly attempting to conceal his person in the water into which he had plunged as a refuge from his pursuers. Why the last wound was inflicted, and why this unhappy man, regarded with an attachment almost idolatrous by his people, was not seized by the numerous armed men who had reached his place of concealment, has never yet been explained.

The case assumes a peculiar importance, from the circumstance that Mr. Southey, who gave the death wound, appears to have been subsequently twice commended in general orders, though not indeed with any express reference to his conduct in this affair. It is said that Hintza refused to surrender. But if the fact be so, of what importance was the refusal of a wounded, helpless, isolated man?

It is stated to me, however, on evidence which it is impossible to receive without serious attention, that Hintza repeatedly cried for mercy; that the Hottentots present granted the boon, and abstained from killing him; that this office was then undertaken by Mr. Southey, and that then the dead body of the fallen chief was basely and inhumanly mutilated. I express no opinion on this subject, but advert to it because the honour of the British name demands that the case should undergo a full investigation, which it is my purpose to institute.

With the views which I have thus explained of the origin and conduct of this warfare, you will anticipate the extreme difficulty in which His Majesty's Govern-

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ment find themselves placed respecting its result. I stated in the commencement of this despatch the peculiar nature of the evidence from which, in the absence of official intelligence, I have been compelled to derive my views of the origin of the recent hostilities; and although I have not thought it necessary to interrupt the preceding statement by a repeated reference to such considerations, I have yet written it under the full and lively impression of the inconvenience of reasoning upon such premises. The proofs which have produced conviction on my own mind, not having been made public, have escaped the scrutiny to which they would otherwise have been exposed. Neither can I expect that others will on the authority of my judgment attach to that evidence the regard which it appears to me to merit. Consequently, in advancing from the retrospect of what has occurred to practical instructions respecting the course to be hereafter followed, I find myself precluded from giving you instructions of so fixed and unbending a character as I might have furnished to you, had I been more immediately assisted and guided by your own previous investigations into the origin of the war. But the urgency of the case is such, as to forbid a further and indefinite delay. Yielding to the necessity of acting at once upon my imperfect, and it may be materially inaccurate, apprehension of the facts, the only escape which I can find from the difficulties on either side, is by devolving on you a responsibility, from which, had it been in my power, I would gladly have relieved you.

The general principles by which the British policy towards the Aborigines of Southern Africa should be governed, are obvious, and beyond the reach of doubt. The extension of His Majesty's dominions in that quarter of the globe, by conquest or cession, is diligently and anxiously to be avoided. Hostilities with the tribes in our vicinity may occasionally be inevitable for the protection of the King's subjects; but on every other ground they cannot too earnestly be deprecated. In our relations with those tribes, it yet remains to try the efficacy of a systematic and persevering adherence to justice, conciliation, forbearance, and the honest arts by which civilization may be advanced, and Christianity diffused amongst them; and such a system must be immediately established and rigidly enforced.

Thus far I am persuaded of your entire concurrence in the views of His Majesty's Government. The very short period of your administration before the irruption of the Caffres had not passed without manifesting the desire of the colonial government to act upon those views in their intercourse with the border tribes. But although we are thus agreed as to principles, yet when I proceed to reduce them to a specific form, and to pursue them into those practical consequences which they seem to me to involve, a very material difference of opinion may perhaps arise between us. It is possible that you may be in possession of facts of which I am ignorant, the knowledge of which would have irresistibly dissuaded the adoption of some of those measures which I am about to explain. You may have it in your power to convince me that some of the premises upon which I have been compelled to reason are so entirely mistaken, or fallacious, as not to support my practical deductions from them. Conscious of those sources of error which are always open to persons reasoning at so great a distance from the scene of action, and to which I am on the present occasion so peculiarly liable, I cannot, I repeat, hazard the experiment of laying upon you peremptory and inflexible injunctions for your guidance in those affairs. In explaining the course which His Majesty's Government propose to take, I shall proceed on the assumption that I do not labour under any such cardinal error respecting the facts of the case as would refute my conclusions. If, however, in the exercise of your deliberate judgment, and availing yourself of your peculiar means of knowledge, you shall be clearly persuaded that I have fallen into any such misapprehensions, it will become your duty to assume to yourself the responsibility of suspending, until further directions, the execution of any part of the following instructions, which you may be convinced had its origin in any such misconception.

For the purpose of perspicuity I shall endeavour to separate from each other, and to arrange in order, the various practical questions which offer themselves, so far as they at present require or admit of a solution.

First, For the reasons already given, I cannot admit that the British sovereignty over the country between the Fish River and the Keishkamma rests on any solid foundation of international law or justice; yet the relinquishment of that dominion is surrounded by difficulties so many and inextricable as entirely to forbid such a surrender. It is needless to enumerate or to describe these impediments.

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The restitution of invaded rights in this, as in many other cases, would involve injuries more formidable than it could remedy.

Secondly, The claim of sovereignty over the new province, bounded by the Keishkamma and the Kye, must be renounced. It rests upon a conquest resulting from a war, in which, as far as I am at present enabled to judge, the original justice is on the side of the conquered, not of the victorious party. Even if there were the most powerful motives of apparent expediency to recommend this extension of His Majesty's dominions, which I cannot allow, yet His Majesty would never consent to consult expediency at the expense of justice. You will, therefore, prepare the public mind in the Cape colony for the relinquishment of the newly acquired province, by announcing that the British occupation of it is temporary and provisional only, and will be resigned by the end of the year 1836. I fix that date, as it will afford a sufficient interval for making those arrangements which will be necessary to enable the colony to recede with safety from the limits assigned to it by your proclamation.

I place this resolution on the ground of justice, because I should be most unwilling to appear to act on such an occasion on any subordinate motive. But if the conquest could be maintained with indisputable right, I should hold the impolicy of abiding by it equally clear. In this I have the misfortune to differ from you, and I must, therefore, distinctly explain the grounds of that difference.

You state that this accession of territory will be some indemnity against the expenses of the war. To the assumption involved in this statement, that an enlargement of the British dominion in Southern Africa is a national advantage, I feel myself unable to assent. The territory of the Caffres, I am well aware, is in itself a fertile and salubrious region, contrasting but too favourably with the prevailing sterility of our own possessions. But the great evil of the Cape colony consists in its magnitude; in the vast space for which it encroaches upon the continent, and the consequent extent of its boundary. We are thus brought into contact with tribes numerous and warlike, and a scale of establishment is required, both civil and military, extensive beyond all proportion to the number and wealth of the inhabitants. In a country containing more square miles than the whole of the British Islands, we have a population of about 150,000 souls. To connect these dispersed settlers by roads, and other communications, to bring them under the protection of magistrates and officers of police, to afford them the benefit of prompt administration of justice, and to shield them by military defence, are duties incumbent on the Government, but duties which cannot be performed without imposts so heavy as to excite universal and apparently just complaints, and which, even with such imposts, have never been performed but most defectively. Whence the necessary revenues for defraying the additional establishments, civil and military, are to be extracted, is a question to which your consideration does not appear to have yet been given, and to which I have directed my own in vain.

But it is said that the defence of the new frontier will be more economical than that of the Keishkamma. Much as I am disposed to rely upon your professional judgment, I must own that upon that point I feel no little hesitation in acquiescing in the accuracy of your calculations. I shall not scruple to explain unreservedly the nature of my difficulties, convinced that you will estimate them with candour, and that you will afford me the benefit of your experience and professional skill for the more full elucidation of the subject.

It is evident that the new frontier, being much more distant, is therefore less accessible from the interior than the old. It embraces a larger area, and would therefore seem to demand a longer line of defences. In the absence of any exact military survey of both, the general presumption must seem to be, that in proportion as the frontier is protracted it becomes more readily assailable. Pushing further forward into Africa, the new line of defences would bring us into contact with new tribes of uncivilized men. Amongst these the exiled Caffres must be received as intruders, and will form a band of desperate adventurers, at one time seeking subsistence by plunder in the colony, at another provoking war on its borders. Thus we shall again be brought into contact on a new line with African warfare in all its ferocity. New enemies will be acquired; new conquests must be achieved; a new frontier must be sought, and we should be engaged in a series of contests desolating to Africa and ruinous to ourselves. It would be a melancholy acquisition to exchange the neighbourhood of men who have been taught to fear our power, and in some degree to practice our

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social arts, and to adopt our religion, for that of fresh hordes of barbarians, who, however inaccessible to the arts of peace, may yet prove no unapt scholars under our tuition in the art of war. Nor is it possible to contemplate without emotion, the extinction of the churches which had been planted in Africa, and of the prospects of diffusing Christianity and the other blessings of civilized life in that portion of the globe.

You state, however, that for the defence of the Keishkamma frontier, the regular troops must be augmented to about 3,000 rank and file, while the increase might be considerably less if the Kye be taken as the boundary.

Now, even if on a careful and complete survey it should be established, in a military sense, that the Kye is a better boundary than the Keishkamma, still this argument of comparative ease and cheapness of defence may be open to question. Of two lines of defence, the one may by nature be stronger than the other, and consequently, if regarded simply in that view, without reference to other circumstances, may be pronounced the less expensive. But other circumstances may far more than counterbalance the difference. If the stronger frontier comprehend the larger extent of territory; if it be the more remote from the main strength and body of the colony; more remote from the resources on which it must in case of attack rely for supplies of all kinds; for men, for provisions, for munitions of war; if in all these respects, therefore, it be in fact the weaker of the two, and if at the same time it be more exposed to attack; if, for example, it should gather and dam up along its whole line a raging mass of savages, tormented by the narrowness of their limits, by famine, and by revenge, and threatening every moment to break over the mound; if these should be the relative circumstances of the two defences, it is very easy to perceive, that with all its natural advantages, the stronger may at the same time prove not only the more costly, but also the more difficult to maintain, and, therefore, be less secure. In truth, however, this argument of comparative expense proceeds on the assumption that the security of the colony can be assured only by having a force of regular troops, numerically large enough to man the whole frontier. But this, whatever line of defence be chosen, is obviously impossible. The army of England would not suffice to man, in the proper sense of the word, our colonial frontier from sea to sea. For the defence of such a frontier some regular troops are necessary, and the number already supplied is probably all that in justice to the people of this country, and to the great demands of the empire, ought to be allowed for that object. The further military defence must be sought in the enrolment of a local militia force. But even this force in its best state, and in conjunction with a sufficient number of regulars, can never be our exclusive reliance. The surest of all defences, or rather the only sure defence, is to be found in a wise system of border policy. Without this the strongest frontier that nature or art can supply is miserably weak, and with it the Keishkamma is as secure as the Kye. It cannot be too often or too importunately pressed on our conviction as a plain practical truth, that the safety of the colony, which after all is the first object, is to be derived from observing in our dealings with the frontier tribes the most rigid justice, respect for their feelings and prejudices, regard for their real interests, conciliatory kindness when it can be properly shown, and above all, an unwearied anxiety to diffuse among them the blessings of education and of Christian knowledge. Colonies which it is attempted to maintain in the neighbourhood of savage tribes on any other principles, must either be destroyed by that vicinity, or be upheld at a cost utterly disproportionate to their real value.

It remains to consider what course is to be pursued towards the people with whom we have been brought into contact. And first, in reference to the Fingoes:

I must frankly confess, that I am quite unable to perceive the slightest accuracy in the comparison which you have instituted between the liberation of these people and the great national act of negro emancipation. In the one case we liberated the slaves of our enemies at the cost of their owners, in the other case we liberated the slaves of British subjects at the cost of the national revenue. Still the act having been done, is irreversible. To replace the Fingoes in the state of slavery from which we have rescued them, would be an act altogether indefensible. These persons must, therefore, be settled under British protection, on lands to be assigned for their maintenance. The territory which would appear best adapted for this purpose, is that to the westward of the Keishkamma, from which the Caffres were expelled.

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With regard to the tribes which were driven from those lands, and to those against which our hostilities had been waged, His Majesty's Government cannot think it consistent either with justice or with sound policy, that they should be exiled from their ancient possessions between the Kye and the Keishkamma.

The restoration of the Caffres to the conquered territory must, however, be accompanied and preceded by such arrangements as will assign to each tribe its own proper limits.

For the due regulation of the future relations between the Caffre tribes and the colonists, as well as for other purposes of local convenience, His Majesty proposes immediately to appoint a lieutenant-governor of the eastern districts of the colony. On the lieutenant-governor will be devolved the administration of the executive government within the boundaries to be assigned to his command. It is further proposed to appoint a civil commissioner, or protector of the native tribes, who shall reside within the colony, probably at the seat of the lieutenant-governor's residence. To this officer will be entrusted the duty of protecting the borderers on either side against mutual aggressions. It will be his office to inform himself of every inroad and act of plunder committed against the colonists, and of every outrage or injury offered to the Caffres; to investigate the truth of every allegation of that nature; to report all such occurrences to the lieutenant-governor; and to superintend in person the execution of all measures which may be necessary for obtaining redress; and to take charge of all cases in which the subjects of native chiefs are brought before the colonial courts of justice. It is also intended to appoint a government agent to reside in Caffreland, with the requisite powers to make him an efficient guardian over the rights as well of the natives as of European traders.

All communications with the Caffres on what, in the absence of a more simple word, may be termed international subjects, must be carried on through the government agent for Caffreland.

The following is a statement of the principal rules which it is intended to prescribe to the lieutenant-governor and civil commissioner, for the guidance of their conduct.

1. A treaty, fixing the boundaries of the colony, must be made in writing, in English and in the Caffre language, and, being explained to each border chief, must be signed or attested by each. Copies of this treaty must be delivered to each of the contracting chiefs.

2. A separate treaty must be made, in the English and in the Native languages, with the chief of every tribe to which a portion of territory is assigned within the British dominions; defining the limits of his allocation, the degree of his responsibility, and the nature of his relations with the British Government; and all other particulars admitting of specification. A copy of this treaty in the native tongue must be preserved by the chief.

3. A separate treaty must be made in the Native and English languages with the chief of every tribe in alliance with us, or in any degree under our protection; defining also in each case all that can be specified in such an instrument. A copy of the treaty must be preserved by each chief.

4. The rules of mutual restitution, and those which relate to the prevention of inroads, and the redress of the injury occasioned by them, must be particularized in each of the above treaties.

5. The responsibility of particular kraals, or villages, for the acts of individual Caffres, must no longer be enforced. But

6. The chiefs must be called upon to bind themselves to make restitution for plundered cattle, on sufficient proof of the reality of the theft. They must be left to detect the offenders, or to indemnify themselves at the expense of the tribe collectively for such losses as they may sustain by being required to make these compensations. In other words, we must look to the chiefs, and to them alone, and must no longer take upon ourselves to make reprisals upon the people. The chiefs to enter into securities, or pledges, of such a nature as may be deemed sufficient, and not inconvenient for the due fulfilment of these stipulations.

7. Fairs for the interchange of commodities should be re-established at convenient places on the frontier.

8. The wounding or killing a Caffre, or otherwise injuring his person or property, will be made liable to the same punishment as if the sufferer were one of His Majesty's subjects. This of course would not apply to times of actual war, nor prevent the compulsory removal back into their own territory of any

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Sir B. D'Urban,
16 December 1835.

Caffres who might re-appear within the boundaries with purposes apparently hostile or fraudulent, or in opposition to any existing laws. No violence must, however, be used in effecting their removal, which is not strictly required by the necessity of the case, and for the effective execution of the service.

9. No European or Hottentot, or any others but Caffres, to be located or allowed to settle east of the Great Fish River. Those Hottentots who were placed in the ceded territory prior to the late war, and all Christian teachers, are exempted from this rule. I may observe here, that in the above rules, under the general name of Caffres, I include the Fingoes.

In aid of these general rules, it is proposed to submit, for the approbation of Parliament, a law to enable our colonial tribunals to take cognizance of and to punish offences committed by British subjects within the Caffre territory, in the same manner as if they had been perpetrated within the limits of the colony itself.

I have thus indicated in general terms the measures which it is proposed to adopt, and which are of course liable to be altered or modified on further consideration. The lieutenant-governor will also be the bearer of instructions defining the relative authority and duties of himself and of the governor of the colony. I therefore abstain from enlarging at present on those topics.

Throughout this despatch I have proceeded on the supposition that the war has been brought to a termination. Your despatch of the 19th of June would appear to encourage and justify that hope, although I perceive with deep concern, from the public journals of the colony, as well as from private letters which have reached this country, that so lately as September last your military operations were not concluded, and that you were still on the frontier; that the Caffres were pushing their depredations with increasing boldness into the colony, and even to the neighbourhood of Graham's Town. Of course it is impossible to address to you any definite instructions for your conduct in contingencies respecting which I can form only a doubtful and uncertain conjecture. But you will receive as a most decided and positive injunction the directions which I now convey to you, to bring these hostilities to a conclusion by the earliest possible period. They must not be protracted for a single day with a view to revenge or conquest. The safety of His Majesty's subjects in the districts of Somerset and Albany is the single legitimate object with which such a contest can be carried on at all, and that object once attained, it must be immediately terminated. To maintain a considerable army for any other object, and to incur the enormous expense connected with its maintenance, is a proceeding to which the Parliament and People of this kingdom could never be reconciled. The utmost possible benefit to be obtained is insignificant when contrasted with such an outlay of the national resources at a moment when the strongest necessity exists for carrying an enlightened but strict economy into every part of the public service.

The loss of money, however serious, as on every account it is, would yet be the least of the causes of that regret with which the people of Great Britain would be affected by the continuation of these hostilities. It is a melancholy and humiliating but an indisputable truth, that the contiguity of the subjects of the nations of Christendom with uncivilized tribes has invariably produced the wretchedness and decay, and not seldom the utter extermination, of the weaker party. This uniform result must be attributed, not to any necessary cause, but to the sinister influence of those evil passions which in such circumstances find but too much to provoke, and too little to restrain them. Of all the chapters in the history of mankind, this is perhaps the most degrading. Nor is there any one great course of events on which every humane mind dwells with such settled aversion and shame, as on that which records the intercourse between the Christian States of Europe and the heathen nations of America and Africa. I know not that a greater real calamity could befall Great Britain than that of adding Southern Africa to the list of the regions which have seen their aboriginal inhabitants disappear under the withering influence of European neighbourhood. It is indeed a calamity reducible to no certain standard or positive measurement, but it involves whatever is most to be dreaded, in bringing upon ourselves at once the reproaches of mankind and the weight of national guilt. I do not say nor mean to imply, that those fearful desolations which Colonel Smith's letters record are justly liable to this censure: but thinking that we were the real aggressors, not indeed in the actual warfare, yet in the series of events by which

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it was preceded and provoked, I feel that if it be continued for a day or an hour longer than the necessity of self-defence plainly requires, we shall not be able to rescue ourselves from the reproach of having exerted our superiority needlessly and unjustly to crush a people, whose impotent resistance leaves room for no feelings but those of compassion.

These views I am well assured will be partaken by the generous, humane and Christian people over whom it is His Majesty's glory and happiness to reign. Sympathizing with every just and honourable sentiment of the subjects of the British Crown, His Majesty has commanded me to express his solicitude for the protection of the Aborigines of Southern Africa, and his repugnance to sanction any enlargement of his dominions of which their sufferings would be the price. You are aware that in the session of Parliament of 1834, the House of Commons especially invoked His Majesty's protection for these defenceless people, and received from the King an assurance of His Majesty's determination to act in this respect in accordance to their wishes. In the spirit of that assurance I am commanded to issue these instructions; nor will His Majesty regard his pledge as redeemed until he can present to his people the proofs of the establishment of a system of border policy advantageous alike for the Caffres and for the colony.

I am persuaded that your sentiments fully concur with my own on the general principle on which these instructions are founded; and it affords me much gratification to know, that as you have been called to the discharge of severe and unwelcome duties, so now the more agreeable task will devolve upon you of carrying into effect His Majesty's gracious intentions, which I have the honour of communicating to you in this despatch.

It only remains for me to state, that His Majesty's Government will await with solicitude the report which you will transmit to me in answer to this despatch. That report will, I have no doubt, contain as full an explanation as you can supply on every topic on which I have stated doubts and difficulties. After a deliberate consideration of it, His Majesty's Government hope to be able to issue their final instructions.

I have, &c.

(signed) *Glenelg.*

— No. 6. —

Copy of a DESPATCH from Governor Sir *B. D'Urban* to the Earl of *Aberdeen*.

No. 6.
Sir B. D'Urban
to the Earl of
Aberdeen,
6 July 1835.

My Lord,

Cape of Good Hope, 6 July 1835.

I HAVE the honour herewith to transmit a Petition to the King in Council from the inhabitants of the Province of Albany, in this colony, setting forth their recent calamities, and imploring His Majesty's benevolent consideration of them.

These calamities, assuredly, have been so overwhelming and lamentable, that it is not easy adequately to describe them; and I humbly and earnestly solicit for them His Majesty's gracious countenance and protection.

I have, &c.

(signed) *B. D'Urban.*

(Enclosure.)

TO the King's Most Excellent Majesty in Council.

May it please Your Majesty,

THE humble and dutiful petition of the undersigned inhabitants of the district of Albany, in the eastern province of the colony of the Cape of Good Hope, most humbly sheweth:

That your Majesty's most loyal and dutiful subjects are resident in that portion of your Majesty's dominions which in the year A. D. 1819 was appropriated for the reception of 5,000 British-born subjects, who were induced to quit the shores of their native soil pursuant to an invitation made to them by the then existing administration of government, and whose expenses of transport hither were defrayed by a Parliamentary grant of 50,000 *l.* of British money.

That on the arrival of the British settlers the following year in this part of your Majesty's possessions, they found themselves in immediate contact with, and exposed to the harassing

No. 6.

r B. D'Urban
the Earl of
berdeen,
July 1835.

Enclosure.

inroads of a treacherous, dishonest and warlike race of barbarians, whose predatory incursions within the colonial boundary were marked by the ruined farm-houses, and by the general desolation spread over this part of your Majesty's dominions. That but a few months previous to their arrival these warlike clans had attacked the military head quarters at Graham's Town, and were not repulsed until several hundred of them had been slain on the field of action by the bravery of your Majesty's troops.

That notwithstanding all these unfavourable circumstances, the British settlers, amongst whom were numerous of your Majesty's dutiful and loyal subjects the petitioners, succeeded after many years of privation, of toil, of difficulty, and of danger, in establishing themselves on the soil allotted for their residence; and although several of their number fell from time to time victims to the barbarians adjacent, being cruelly murdered within the colonial boundary, yet your Majesty's petitioners were unceasing in their efforts to establish and maintain friendly relations with that restless, dishonest and faithless people.

That at a period (viz. in the year 1823) when many of your Majesty's petitioners were struggling with these trials and sufferings, a memorial was addressed by them to the then Secretary of State for the Colonies, humbly praying for relief and protection; on which occasion it was set forth, that "the most insupportable of their grievances arose from the constant depredations of the Caffres, who had, within a few months, committed several murders, and deprived the settlement of the greater part of its cattle;" and which the memorialists went on to show might be attributed to inertness in the repression of inroads, and to the withdrawal of part of that military force which had previously been stationed along the frontier line for their protection.

That your Majesty's petitioners most humbly state to your Majesty, that the prayer of that memorial has not been granted, and that the consequence has been the frequent murder of your Majesty's subjects, and the continual plunder of their property; that your Majesty's petitioners did not, however, suffer themselves to be depressed by these unfortunate circumstances, but exerted themselves unceasingly and assiduously to improve in every possible way the natural resources of the colony; to promote the moral advancement of their children and of the coloured classes mixed amongst and living adjacent to them, and by opening new channels of trade into the interior, by which British manufactured articles to the amount of 150,000 £ sterling were absorbed annually in exchange for the valuable raw staple produce of the country.

That your Majesty's petitioners are fully warranted in stating that these efforts were crowned with complete success. The trade and agriculture of the country were alike flourishing, and at the close of the past year, after 15 years' arduous toil, the British settlement of Albany might justly be deemed to vie in importance and promise with any colony of equal duration and extent in any part of your Majesty's dominions; but your Majesty's petitioners, and most loyal and dutiful subjects, have now the melancholy and heart-rending task of humbly stating to your Majesty, that all their reasonable hopes have been blighted; their settlement, recently so smiling, and which by the hand of industry had been reclaimed from a wilderness to the condition of a fertile province, has by an irruption of the barbarian hordes been laid waste by fire and plunder; the inhabitants on the line of frontier, from the sea upwards, for a distance of 90 miles, have been driven from their homes to wander as houseless fugitives; many of their friends and relations have been barbarously murdered; they have been reduced from comfort and affluence to want and poverty; their trade has been annihilated; many of the defenceless and unresisting traders mercilessly slain whilst unsuspectingly engaged in their peaceful avocations, and their property, to a very great amount, plundered and destroyed by the barbarian tribes.

That your Majesty's most humble and dutiful subjects, the petitioners, deem it their bounden duty to your Majesty and to themselves, to state explicitly their deep conviction that their present calamitous situation may be directly traced to that disregard with which their repeated and urgent petitions for protection and redress of existing grievances has been invariably treated, and which disregard they cannot hesitate to attribute, in part, to those calumnies on their character, as loyal British subjects, and to those misrepresentations of their actual conduct, situation and circumstances, and of the dispositions, habits and characters of the tribes beyond the colonial boundary, which have been published to the world by mistaken or designing writers, and so widely disseminated to their prejudice in every part of your Majesty's dominions.

That many of your Majesty's petitioners have been reduced from comfort and affluence to such extreme destitution that they must have perished from want of food or from exposure to the inclemency of the weather, had it not been for the prompt, efficient and truly benevolent exertions of your Majesty's Governor of this colony, Sir Benjamin D'Urban, aided by the munificent contributions of those of their fellow colonists in more prosperous circumstances, both here and in your Majesty's Islands of the Mauritius and St. Helena adjacent; and to such an extent is the prevailing distress, that it is shown by an official record made by a "Board of Relief," appointed by your Majesty's Governor on the spot, of which the acting district chaplain is the president, that the number of persons reduced to absolute destitution, and whose most urgent necessities have been relieved, amounts to 3,227 persons, who during this irruption have had 239 farm-houses destroyed by fire, and 242 pillaged of all their furniture and property; they have been plundered of 30,140 head of cattle, 964 horses, and 55,554 sheep and goats, besides having had most of their crops of corn and stacks destroyed and scattered over the face of the country. The foregoing details do not include any of the residents of the Kat River settlement, to 1,500 of whom important relief has been afforded by "the Board," nor do they refer to those sufferers who, although plundered of much property, have not been reduced to extreme want and penury.

That

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Sir B. D'Urban
to the Earl of
Aberdeen,
6 July 1835.

Enclosure.

That your Majesty's petitioners most humbly beg permission to convey to your Majesty their deep conviction that one cause of their continual sufferings from the plundering incursions of the Caffres, is the indefensible character of the boundary hitherto maintained between that people and the colony; and that hence they are firmly and unanimously of opinion, that unless another boundary be fixed, the settlement of Albany, and a considerable part of the frontier, from the sea upwards, must continue depopulated, and thus a large portion of your Majesty's dominions must become unproductive and desert. Divine providence having, however, crowned your Majesty's arms with success, in the expulsion of the barbarian hordes from your Majesty's dominions, and as their late unprovoked and wanton irruption has been followed by a conquest of their territory, the present time appears to be a most favourable opportunity, and which, if lost, can never again recur, except by a repetition of the same calamitous causes, of fixing a boundary more suitable to the colony; one which offers greater difficulties to escape with plunder, which is more capable of defence, and which may render the inhabitants more secure against the future inroads of the native tribes. Hence your Majesty's petitioners most humbly and fervently pray, that as the River Kye possesses all the advantages which can be desired, that the annexure to the colony of the country comprised between the Keishkamma and that river, as proclaimed by your Majesty's Governor of the colony, and which country the Caffre tribes had unjustly usurped from the rightful possessors, may meet your Majesty's most gracious approval and confirmation.

That your Majesty's petitioners beg also most humbly to state to your Majesty, that another grievous disadvantage under which they manifestly labour, is their great distance from the seat of government; a circumstance which has been forcibly set forth by the Commissioners of Inquiry appointed by his late revered Majesty, in their Report under date 6th September 1826. Your Majesty's petitioners are fully impressed with the conviction that were the recommendation of the Commission in that particular adopted, and a chief magistrate appointed for the eastern province of this colony, uniting in his own hands and directing the civil and military authority, and were some consistent principles applied to the intercourse of the colonists with the Caffres and other tribes, their collision would be prevented, and the desultory warfare that has prevailed so extensively along a considerable portion of the frontier would cease. Your Majesty's petitioners, and others of your Majesty's subjects, would enjoy in safety the fruits of their industry; trade and agriculture would be stimulated and extended, so as greatly to benefit, not themselves alone, but also the mother country; and this division of the colony would become ere long one of the most valuable and prosperous of your Majesty's possessions.

That your Majesty's petitioners, and most dutiful and loyal subjects, beg leave most humbly to approach your Majesty, and to submit this their case to your gracious consideration; and should your Majesty, as they confidently hope from the justice of the case, deign to regard them with favour, and to entertain their requests, they would then most humbly pray, that as their calamities have befallen them from causes over which they could have no control, and as they have been left exposed thereto, notwithstanding the danger has been foreseen, and the remedy pointed out and prayed for, both by the Commissioners of Inquiry and by your Majesty's petitioners themselves, your Majesty will be graciously pleased to cause inquiry to be made into their conduct and circumstances, in order that the opprobrium and obloquy under which they have so long and so unjustly laboured, by the mis-statements of dishonest or mistaken persons, may be removed; that reasonable protection to life and property may be afforded; that just and well-defined relations may be entered into with the native tribes adjacent, and that the sufferers by the late irruption of the Caffres may receive compensation for their severe and ruinous losses; and to which they have a confident hope that your Majesty's paternal care and benevolence, and the justice and humanity of the British nation, will deem them entitled.

And your Majesty's most humble, dutiful and loyal subjects will ever pray.

(Signed by 736 inhabitants of the district of Albany.)

Graham's Town, South Africa,
23 June 1835.

— No. 7. —

Copy of a LETTER, marked private, from Governor Sir B. D'Urban to
Mr. Under Secretary Hay.

Sir,

Graham's Town, 4 September 1835.

SINCE my Despatch, No. 3, of the 19th of June last, and my private and separate despatch of the 26th of that month to Lord Aberdeen, there has been no stage in the present contest of sufficiently marked importance to become the subject of another official despatch; nor have I yet received any answers to my successive despatches to the Secretary of State from the beginning of January to those adverted to above, inclusive.

My small force, and the necessity of discharging the burgher horse to their farms in the end of May and beginning of June, so as not to lose the sowing

No. 7.
Sir B. D'Urban
to Mr. Sec. Hay,
4 September 1835.

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B. D'Urban
Tr. Sec. Hay,
September 1835.

season, has unavoidably limited me to holding our posts of occupation in the new province, which we have done, together with the freedom of our communications, without any difficulty and without any loss or disaster, excepting that of a small detachment of Hottentot infantry, which, having exceeded its instructions in a patrol, fell into an ambuscade in the woods.

The enemy has suffered greatly, and has at length made overtures of submission, and of supplication to become His Majesty's subjects in certain portions of the new province, which I hope may enable me to bring a negotiation now pending to the conclusion which I desire.

But as a fast sailing vessel is about to proceed direct from Algoa Bay to England in two or three days, I avail myself of it to say to you that all is well, and the troops healthy.

I also send you some addresses, which mark the opinion of the most respectable bodies of the colonial community, and a few newspapers, which may not be altogether uninteresting to you to read.

I have, &c.

R. W. Hay, Esq.
Under Secretary of State.

(signed) B. D'Urban,

(Enclosure 1, in No. 7.)

To His Excellency Major-General Sir B. D'Urban, K. C. B., Governor, Commander-in-Chief, &c. &c. &c.

cl. 1, in No. 7.

May it please Your Excellency,

WE, the undersigned inhabitants of the town and district of Uitenhage, hope to be permitted, in addressing your Excellency, to express our heartfelt and sincere gratitude for all the measures which your Excellency, under the protection and care of Divine Providence, has been enabled to adopt and accomplish, for the effectual and timely subduing of those savages, (the Caffres,) who, by their murderous invasion, laid waste a great part of this district by plunder and fire, and would have advanced upon this town, and other parts of the district, to commit the like destruction, which fatalities were however warded off by the speedy succour afforded by your Excellency, and the prompt measures adopted as a full check to their further progress.

It is also but just that we should express our gratitude to your Excellency for the prompt manner in which (with all those feelings of sympathy which have placed your Excellency so conspicuously in the public estimation, for your Excellency's fatherly care and solicitude) your Excellency caused that succour and support to be given to our suffering fellow colonists, without which they would have been plunged into a state of utter starvation; and also to express our thanks for your Excellency's ready compliance with the petition presented to your Excellency on the 17th January last, by the inhabitants of this district, in respect of assistance for the defence of this town, and for the relief of the sufferers, &c.

We also beg your Excellency will be pleased to receive our deepfelt gratitude for the success with which your Excellency's arduous labours were crowned in attacking the enemy in his very country; and for the adoption of all those measures, by which peace and tranquillity have happily been re-established on a more secure basis, and the chastisement of our common blood-thirsty enemy, by the arms of our gracious Sovereign, as a lesson to them that His Majesty's subjects are not to be insulted with impunity.

We venture to assert, without the least fear of contradiction, that your Excellency's measure in removing the colonial boundary to the "Kye" is the best and only effectual and secure one that can be established for the future protection of the frontier districts; and we beg to express our hope that our most gracious Sovereign and King in Council will be pleased to confirm all your Excellency's measures, and particularly that one in respect of the new boundary.

With the sincerest wishes for the continued enjoyment of health, prosperity and every spiritual and temporal blessing for your Excellency and family, we beg to conclude by assuring your Excellency that the name of D'Urban will ever be borne in our minds, and in those of our children, with every becoming feeling of gratitude.

Done in a public meeting at Uitenhage, the 13th July 1835.

(signed) H. Lange, Chairman.
T. J. F. Boult, Secretary.

And 150 other individuals.

(Enclosure 2, in No. 7.)

Sir,

Liesbeck Cottage, 7 July 1835.

It is not less pleasing than flattering to me to have been selected to have the honour of transmitting to your Excellency the accompanying resolutions and address, passed and agreed to at a very numerous and respectable meeting of the inhabitants, proprietors in Cape Town and its vicinity, convened for the purpose of taking into consideration the propriety of addressing your Excellency on the successful termination of hostilities in Caffraria, and of expressing to your Excellency their grateful thanks for the important measures which you have adopted for the peace and security of the eastern frontier.

On putting each resolution, I am happy to say that not a dissentient voice was heard.

If to this general feeling so fully expressed, it be permitted to so humble an individual as myself to add my own conscientious expressions, your Excellency will perhaps forgive me saying, that from long experience in the frontier affairs, and much consideration on the subject, I am firmly and fully of opinion that the measures which your Excellency has carried into effect, under the most trying and difficult circumstances, are the wisest and most benevolent which could have been adopted, and the most likely to secure peace and prosperity to our fellow-citizens on the frontier, and to restore to them their once flourishing and profitable trade, which was so beneficial to the colony generally, and to Cape Town in particular.

If I have stepped beyond the bounds within which I ought to have confined myself on this occasion, I shall trust to your Excellency's indulgence to attribute my indiscretion to the zeal with which I cherish every prospect which opens to the welfare of a colony with which I have been so long connected.

I have, &c.

(signed) C. Bird.

Chairman of the public Meeting held at the Commercial-rooms,
Cape Town, on Tuesday the 30th June 1835.

To His Excellency Sir B. D'Urban, K. C. B.

&c. &c. &c.

COPIES OF RESOLUTIONS passed at a General Meeting, held at the Commercial Exchange, on the 30th of June 1835.

1st. That the late important measures which have been adopted by his Excellency the Governor for the future security of the frontier, render it expedient that an address should be presented to him, expressive of the grateful feelings they have excited in the minds of the inhabitants.

M. van Breda.
C. S. Pillans.

2d. That the warmest thanks of this meeting are due to his Excellency, for the prompt and energetic measures directed and pursued by him to repel the tribes, which, without previous notice or just provocation, had simultaneously broken into and devastated the whole line of the eastern frontier.

J. B. Ebdon.
J. C. Chase.

3d. That the grateful thanks of the meeting are also due to his Excellency for the active benevolence displayed by him, in relieving the extreme distress into which the inhabitants of the eastern districts had been plunged by the atrocities committed by the invaders.

J. de Wet, Advocate.
F. Still.

4th. That the combination of vigour, temper, forbearance and justice, which have marked the conduct of his Excellency during the whole of the war, has excited the admiration and gratitude of this meeting.

J. H. Hofmeyr.
P. M. Brink.

5th. That the terms of peace which the continued hostilities of the invading tribes and their abettors have justified his Excellency in dictating to them, and the occupation of the country from which those tribes have been so justly expelled, are, in the opinion of this meeting, well calculated to provide for the future safety of this colony.

C. J. Brand.
A Chiappin i.

6th. That the release of from 10,000 to 15,000 Fingoes from the oppressive thralldom which they had so long endured under the dominion of Hintza, their location in the territory vacated by the hostile tribes, and the bringing of them, and such of the Caffre tribes as continued faithful to the colony, under the protection of His Majesty, and within the pale of civilization, and subject to the laws of the colony, are measures embracing the soundest policy, with enlarged views of philanthropy.

H. Cloete. (l. s.)
Hamilton Ross.

No. 7.

Sir B. D'Urban
to Mr. Sec. Hay,
4 September 1835.

Encl. 2, in No. 6.

7th. That this meeting, convinced that an attitude of firmness and determination towards the uncivilized tribes on our border, can alone inspire confidence, and lead to the prosperity of our fellow-colonists in that division of this settlement, whose prospects and lives are involved in the issue, earnestly hopes and confidently trusts that the whole of his Excellency's proceedings, and especially the provision made for the future security of this colony, will receive the full approval and confirmation of His Majesty.

*J. S. Merrington.
A. M'Donald.*

8th. That an address, founded on the foregoing resolutions, be prepared, adopted and laid for signature in the Exchange; and when signed, delivered to the provisional government for transmission to his Excellency by the chairman of this meeting.

*J. G. Stadler.
R. C. Hoets.*

(A true copy.)

(signed) *C. Bird*, Chairman.

To his Excellency Major-general Sir *B. D'Urban*, K. C. B., Governor and Commander-in-chief of the Cape of Good Hope, &c. &c. &c.

WE, the undersigned freeholders, merchants and other inhabitants of Cape Town and its vicinity, have, in conformity with the resolutions of a public meeting held this day in the Commercial Exchange, the honour to render to your Excellency our warm thanks for the prompt and energetic measures directed and pursued by you, for the repulsion of those tribes of Caffres which, without previous notice or just provocation, simultaneously broke into and devastated the whole line of the eastern frontier; and also, for the active benevolence displayed by your Excellency in relieving the extreme distress and privation into which the inhabitants of those districts were plunged by the atrocities committed by the invaders.

Our admiration and gratitude have been excited by the combination of vigour, temper, forbearance and justice, which has marked the whole course of your Excellency's proceedings throughout the war; and we feel assured that the terms of peace, which the continued hostility and treachery of the invading tribes and their abettors justify your Excellency in dictating to them, and the occupation of the territory from which those tribes have been necessarily and justly expelled, are well calculated to provide for the future safety of the colony.

We view the release of so large a body as from 10,000 to 15,000 Fingoes from the oppressive thralldom they had so long endured under the dominion of Hintza, their location in the territory vacated by the hostile tribes, and the placing of them, and such of the Caffre tribes as had continued faithful to the colony, under the protection of His Majesty, within the pale of civilization, and subject to the general laws of the colony, as measures embracing the soundest policy, with enlarged views of philanthropy and humanity.

Deeply impressed with these sentiments, and convinced that an attitude of firmness and determination towards the uncivilized tribes on our border can alone inspire confidence, and lead to the prosperity of our fellow-colonists in that division of the settlement, whose prospects and lives are involved in the issue, we earnestly hope and confidently trust that the whole of your Excellency's proceedings, and especially the provision made for the future security of the colony, will receive the full approval and confirmation of His Majesty.

Signed by *C. Bird*, Chairman,
and 413 other Individuals.

Commercial Exchange, Cape Town,
30th June 1835.

(Enclosure 3, in No. 7.)

ADDRESS of the Inhabitants of *Albany*, convened in a Public Meeting, held pursuant to public notice, on Saturday the 6th, and by adjournment on Tuesday the 9th of June 1835.

Encl. 3, in No. 7.

THE inhabitants of Graham's Town, convened in public meeting, beg respectfully to offer to your Excellency their sincere and ardent expressions of gratitude for that anxious solicitude which has been manifested, and for those efficient measures adopted, by your Excellency, to alleviate the prevailing and deep distress occasioned by the late irruption of the Caffre hordes. They sensibly feel, while they convey this sentiment, that it is to your Excellency's paternal care and benevolence that many of them have been provided with a shelter from the inclemency of the weather, and with a refuge from that far more intolerable evil, the Caffre barbarians.

That in adverting to the late calamities which have befallen this once-flourishing community, they feel it to be a duty which they owe to their country, to themselves and to their children, to state unequivocally to your Excellency their firm conviction, that the frequent murders and continual plunders which have been committed on the farmers along this frontier during a series of late years by the Caffre tribes contiguous, may be mainly attributed to an inefficient policy hitherto pursued in our relations with that people; and hence, in their opinion, an entire change of measures is necessary for the future security of the lives and property of the inhabitants.

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That without presuming to suggest to your Excellency the nature of those relations, or the basis on which they should be founded, they, nevertheless, cannot refrain from observing, that one principal cause of those lamentable commotions which have prevailed so extensively along this frontier, and which have at length ended in the ruin of the British settlement of Albany, and in the annihilation of a flourishing and lucrative inland trade, may be distinctly traced to the indefensible character of the boundary hitherto maintained between the Caffre tribes and the colony; and that it is their deliberate opinion, founded on the result of experience, that the only line of demarcation capable of being protected against a people of such inveterate predatory habits as the Caffres, is that formed by the bold precipitous and open banks of the River Kye.

That the Caffre tribes, by their late unprovoked and most atrocious aggressions, in over-running this frontier, wasting the country by fire and plunder, and barbarously murdering the exposed and defenceless inhabitants, have forcibly and indisputably shown, that it is essential to the very existence of those occupying this part of the colony that such treacherous enemies should be removed to a safer distance; and that as they have justly forfeited by their late crimes all legitimate claim to the territory comprised between the Keishkamma and the Kye Rivers, the inhabitants of Albany convened at this meeting are of opinion, that your Excellency's determination to annex that part of the country to the colony will be attended with the most beneficial consequences to the inhabitants at large, and that it is the only means which offers a reasonable chance of future safety, and the maintenance of future tranquillity between the natives and the frontier colonists.

Under all these circumstances, they therefore again most respectfully tender this expression of their gratitude to your Excellency for those measures which, under the late difficult and trying circumstances, have been so wisely adopted and so energetically pursued. Their treacherous and barbarous enemies have been punished; their immediate sufferings and most urgent wants have been alleviated and relieved; their future security and comfort have been provided for; whilst your Excellency has been made, in the hands of Providence, the honoured liberator of a whole people from a state of the most galling and degrading bondage.

Your Excellency has been placed in circumstances alike difficult and important; but if anything can add to that inward satisfaction which arises from a consciousness of having been actuated by the noblest principle of our common humanity, a desire to relieve the necessitous, and "to save from death those who were ready to perish," it will be that your Excellency has the grateful and fervent prayers of the destitute, the widow and the orphan, for your temporal and eternal happiness.

By order of the meeting,

(signed) *John Atherstone, Chairman.*
Chas. Maynard,
Edwd. Norton,
William Cock,
W. R. Thompson,
R. Godlonton.

(Enclosure 4, in No. 7.)

To his Excellency Major-General Sir *Benjamin D'Urban*, K.C.B., Governor of the Cape of Good Hope, &c. &c. &c.

Encl. 4, in No. 7.

WE, the undersigned landholders and inhabitants of the district of Worcester, have the honour, agreeably to the resolution of our public meeting, held this 11th day of July 1835, in the court-room in the town of Worcester, to offer to your Excellency our warmest thanks, for the speedy, forcible and successful means resorted to by your Excellency to oppose the late invasion of the savage Caffres on the eastern frontier, and to expel their plundering and murderous bands from the colony.

As we are fully convinced that the colony has neither given cause nor provocation to the wilful atrocities committed by them on the peaceable inhabitants of the eastern frontier, we consider that the chastisement inflicted on them for their deeds of unprovoked cruelty is just and equitable.

We beg to assure your Excellency of our lasting gratitude for the particular interest your Excellency has manifested in the welfare and protection of our colony by having conducted the proceedings on the frontier and in Caffreland in person, and that, in these proceedings, power guided by justice has on all occasions been conspicuous.

The solicitude and attention shown by your Excellency to the unfortunate sufferers, to all connected with the defensive army under your Excellency's command, and to the conquered enemies, have filled our hearts with admiration.

In our humble view of the state of the eastern frontier, we consider the measures adopted by your Excellency, with local knowledge and profound deliberation, to attach to the colony that part of the Caffre territory which has been conquered by His Majesty's arms, as the only means to provide for the security of the eastern frontier, and the future peace and tranquillity of the colony.

We owe no less gratitude to your Excellency for having rescued thousands of our fellow-creatures from the most debased state of slavery; and to have bestowed on them the

No. 7.
r B. D'Urban
Mr. Sec. Hay,
September 1835.
Encl. 4, in No. 7.

inestimable gift of liberty to enjoy, with all His Majesty's subjects, the same protection and civil rights.

These being our unfeigned feelings and sentiments, we most earnestly hope and trust, that all the proceedings of your Excellency, performed with profound deliberation, firmness, justice and personal sacrifice, will meet the approbation of His Majesty, our beloved Sovereign, and that all measures adopted by your Excellency will be confirmed.

(signed) *Jacobus Dutort Ison,
G. Glaeser,
W. de Wet,*
And 102 other individuals.

(Enclosure 5, in No. 7.)

Encl. 5, in No. 7. To His Excellency Major-General Sir *Benjamin D'Urban*, K. C. B., K. C. H., K. T. S., Governor and Commander-in-Chief of the Colony of the Cape of Good Hope, &c. &c. &c.

WE, the undersigned inhabitants of Graaff Reinet, should not do justice to our feelings were we to delay conveying to your Excellency some feeble expression of the sentiments of gratitude and respectful attachment, which the whole course of the measures pursued, with a view to the righteous chastisement of the public enemy, and to the ensuring the future tranquillity of the eastern frontier, have excited in our minds, in common with those of our fellow-colonists, in a degree and with an unanimity of which there have been few examples in the history of the colony.

Your Excellency found some of the most prosperous and improving districts of this colony overrun and desolated by savages, upon whom the forbearance of the government, and every effort towards their civilization and conversion had, to all appearance, been thrown away, who evidently ascribed lenity to fear, and favour and indulgence to weakness and credulity. Your Excellency speedily perceived, in the habits of the predatory tribes, the utter impossibility of exacting from them, except at a most disproportionate cost of blood and treasure, any sufficient indemnification for the ruinous losses they had inflicted upon His Majesty's subjects, or any satisfactory guarantee against recurrences of these disasters, so frequent as to endanger the very existence of this colony as the residence of civilized man; and finding, at the same time, that an extension of the colonial boundary, which might operate an intelligible punishment upon the guilty, was the only mode by which they could be sensibly visited with a just penalty for their unprovoked and treacherous invasion, your Excellency most justly decided upon driving the guilty tribes back to a safer distance, where, still in possession of sufficient provision against absolute want, they have abundant space to maintain themselves, without endangering their neighbours, or the peace of the colony.

Your Excellency found this portion of the British territories limited by a boundary infinitely less defensible than an imaginary line over an open country would have been, inasmuch as the Fish River is an extensive forest, with deep and wooded ravines, extending far and wide into the district of Albany to the west, and into the ceded territory to the east, and where, from a period long previous to the establishment of Albany, the Caffres had been enabled and accustomed to secrete their plunder, and to defy the weak attempts which could at that time be made to punish or dislodge them, and which has ever facilitated those partial or general incursions which have for so many years laid the property of the colonists at the mercy of the savages, and which gave to them, for some time, entire possession of a large portion of the colonial territory. In exacting a territorial forfeiture for the late unprovoked irruption, your Excellency assumed as a boundary a line not liable to those objections, a line alike recommended by sound policy and denoted by nature, the just maintenance of which may, we trust, materially contribute to the effectual protection of the colonists, and to a more peaceful state of relations with even the expelled tribes than has hitherto existed, or can possibly exist, while the only boundary between ungoverned tribes of habitual robbers and the herds of the colonists is an almost pathless forest.

But it is to the sound and beneficent policy of your Excellency in locating within the new boundary, and under British laws, the oppressed Fingoes, and the more peaceably disposed of the Caffre tribes, that we chiefly look for future protection and consequent prosperity, and which justly entitles your Excellency to the gratitude of the colonists, and to the earnest support of every true friend of rational humanity.

It has been the misfortune of all the measures hitherto adopted for the protection of this colony from savages, that the great principle of national justice, which combines protection of the innocent with punishment of the guilty, could not be invariably or successfully observed. It has been our good fortune that your Excellency's wisdom has devised a mode of removing this stigma from our intercourse with savage men; and exhibited in a form, which even the most savage must understand, such a striking contrast between the justice and mercy of a Christian state, and the exterminating wars of the native tribes, as will teach a lesson which must speedily induce more distant hordes, instead of crowding upon our boundary for the advantages of plunder and the security of impunity, to court only the benefits to be derived from our institutions and our friendship, and to respect our justice as much as they have been taught to dread our power.

We cannot, Sir, suffer ourselves for a moment to doubt that a just and generous policy, calculated at once to confine punishment to the guilty, to defend our present possessions, and to elevate and civilize the nations favoured with the protection of our laws, will meet the entire approbation of His most gracious Majesty.

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It is with deep humiliation, that we perceive that this colony contains a small number of mistaken or factious persons, capable of misrepresenting the objects and tendency of those beneficial measures, or incapable of justly appreciating them; but when we observe that the opinions of these persons receive no countenance among the judicious and well-informed colonists, but owe the degree of credit they may have acquired with a portion of the British public, chiefly to their own partial and fallacious statements, we cannot doubt that sound information will be sought from better and more authentic sources; that the full inquiry prayed for by the frontier colonists, will at length be granted; when such of our fellow-subjects in Great Britain as have hitherto been incorrectly informed regarding our affairs, will, however tardily, be led to acknowledge that the colonists, and in particular the inhabitants of the Caffre frontier, are actuated by a feeling very remote from that spirit of aggression and hostility which has been so unjustly attributed to them; and when it will be discovered, that those measures which are most likely to advance the general interests of humanity and civilization, and to redound to the advantage and to the honour of England, are also those which are most consonant to the wishes and the interests of the colonists.

No. 7.
Sir B. D'Urban
to Mr. Sec. Hay,
4 September 1835.
Encl. 5, in No. 7.

We would not, Sir, dwell so long upon this topic, were it not painfully evident that the same spirit of partial philanthropy, which seeks gratification in untrue statements of the colonial and of the savage character, has a direct tendency to give an untrue stimulus to the desires or the pretensions of the savages, and has been actively and successfully exerted in rendering nugatory the imperfect means of defence against external enemies, afforded by arraying the armed inhabitants on commando.

Your Excellency must have seen with what cost and sacrifice to the colonists these compulsory arrays are attended; and how the peaceful occupations of the husbandman or of the trader are thereby interrupted; while, at the same time, their best endeavours at the proper fulfilment of this onerous duty, would appear to have deprived them of the applause and the sympathy of many of their fellow-subjects.

We therefore pray your Excellency to take into favourable consideration the claims of the inhabitants, while the circumstances of the colony will not admit of their being relieved at once from the burden and from the opprobrium of serving on commando, to an equitable remuneration, by a temporary remission of taxes or otherwise, for the services they have rendered to the colony during the late commando, either personally, or by furnishing waggons, teams or horses for His Majesty's service.

We would further desire most respectfully, but most earnestly, to implore your Excellency to impress upon His Majesty's Government the importance, the necessity, and the justice of compensating our unfortunate fellow-colonists to the full amount of all the losses they have sustained by the late calamitous invasion; of making some public provision for the widows and orphans of those colonists of all classes who have either been murdered by the enemy, or have fallen or have been disabled by wounds, in repulsing or punishing the savage invaders.

We would also beg to offer this expression of our sincere gratitude to your Excellency for the generous and necessary measures adopted for the immediate relief of the sufferers by the Caffre invasion, until their lamentable situation, and their powerful claims upon national justice, can be fully brought before His Majesty's Government.

We conclude, by expressing our fervent hopes that your Excellency may long enjoy the gratitude of the colonists, the approval of a satisfied conscience, and the well-merited favour of our most gracious Sovereign, for a line of policy which, we most sincerely believe, is calculated to shed around the British name a lustre more enduring than mere conquest can ever bestow.

5 August 1835.

Signed by *C. G. Ochse*, Chairman, and
260 Inhabitants of Graaff Reinet.

— No. 8. —

Copy of a DESPATCH from Governor Sir *B. D'Urban* to Lord *Glenelg*.
Petition to His Majesty in Council.

No. 8.
Sir B. D'Urban
to Lord Glenelg,
22 October 1835.

My Lord,

Graham's Town, 22 October 1835.

I HAVE the honour herewith to transmit a petition to the King in Council from the inhabitants of the district of Graaff Reinet, and to request that your Lordship may have the goodness to place it before His Majesty in Council accordingly.

I have, &c.

(signed) *B. D'Urban*.

No. 8.

Sir B. D'Urban
to Lord Glenelg,
22 October 1835.

Sir,

Graaff Reinet, 13 August 1835.

IN conformity with the wishes of the inhabitants of Graaff Reinet and its vicinity, convened in public meeting, held at this place, I have the honour to transmit to your Excellency the accompanying petition, requesting your Excellency will be pleased to forward the same to His Majesty the King in Council.

I have, &c.

To his Excellency
Sir B. D'Urban, K.C.B.
&c. &c. &c.

(signed) C. G. Ochse,
Chairman of the Meeting.

(Enclosure.)

TO The KING's Most Excellent Majesty in Council.

Enclosure.

May it please Your Majesty,

The humble and dutiful Petition of Your Majesty's loyal Subjects, the Inhabitants of the Districts of Graaff Reinet, in the Eastern Province of the Colony of the Cape of Good Hope, most humbly sheweth,

THAT shortly before the period when this colony first fell by conquest under the beneficent rule of your Majesty's revered predecessor, certain warlike tribes of savages, called Caffres, emigrated from the eastward, and crossing the river called the "Great Kye," exterminated the tribes of native Hottentots, who had formerly occupied the country between that river and the Fish river; which latter stream was, by agreement with the Caffre chiefs, constituted the colonial boundary, in the year 1778: That the early colonists upon the Caffre frontier suffered the most ruinous losses from the aggressions and depredations of those savage tribes, being neither effectually protected by the Batavian government, nor permitted to adopt efficient measures for their own protection: That the inhabitants residing within the present district of Graaff Reinet, long the sole seat of magistracy for the country now forming nearly the whole eastern province of the colony, were for many years ceaselessly occupied in defending themselves against the more destructive tribe called Bushmen Hottentots, who had never, like the Caffres, possessed property in domestic cattle, and did not endeavour to preserve their plunder, but unsparingly destroyed whole herds of cattle, sheep and horses: That the Caffre tribes, not being equally destructive in their habits, acquired for a time, notwithstanding their ceaseless depredations and aggressions, the character of a comparatively peaceful race of savages; and the complaints of the inhabitants of the districts affected by the aggression of the Caffres, as well as their constant requests for the assistance of their fellow-colonists, who were engaged in defending themselves against the Bushmen, were naturally listened to with reluctance, or pretended incredulity, at a seat of magistracy where an opposite interest prevailed, and through which channel alone the government of necessity drew their information of the affairs of the Caffre frontier: That the inaccurate notions regarding the character and relative interests of the colonists and Caffres, thus acquired by the government of the period in question from sources necessarily prejudiced and partial, however widely and confidently they have been disseminated by ill-informed writers, have never received countenance from the colonial government, excepting at the period during which their means of information were, from these causes, altogether defective: That until the colonial government possessed the means of procuring correct information, and until the interests of the inhabitants bordering on the Caffres were in some degree represented by the establishment of a seat of magistracy in their vicinity, these inhabitants were suffered in vain to petition for the means of due protection, for permission to hold a friendly intercourse with such of the Caffres as were peaceably disposed, or to defend their flocks and herds by the hired assistance of friendly Caffres, as the only expedients they could discover which would, in some degree supply the want of that protection which was denied to them: That the earlier inhabitants of the Caffre frontier fruitlessly urged upon their government the same just complaints, and the same reasonable requests, which were subsequently preferred by the British subjects, and were partially redressed or acceded to by the British Government; the requests of the earlier colonists were, however, only met by the repetition of the sternest prohibitions of all intercourse with the savages, by the refusal of due protection against their depredations and territorial encroachments, and by the enactment of laws, the impolicy of which has been universally admitted; the repeal of which laws, perhaps, sufficiently disproves those allegations of general colonial aggression against the Caffres upon which they were unjustly founded, which allegations rest upon no authentic and impartial testimony, nor upon any other foundation in official information than such as is supplied by the mistaken enactments in question: That the causes which for a short time induced the colonial government to lend its countenance to the mistaken opinions then entertained regarding the affairs of the Caffre frontier, may be most distinctly traced in the unavoidable want of information and partiality of a magistracy residing at a distance from the country affected by the aggressions of the Caffres; and many of the subsequent misfortunes and disorders upon the frontier are solely attributable to the impolicy of the measures recommended to the adoption of government, or directly authorized by a magistracy thus unfavourably situated: That while the Caffre hordes were either openly desolating the country and murdering the inhabitants, or without general or open hostility, but with ceaseless petty depredations seizing the lands of the colonists, and possessing themselves of district after district of the colonial territory, every new complaint of the inhabitants only produced new injunctions to preserve the peace, and orders for additional presents to the savage chiefs, with humble and
useless

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useless entreaties that they would quit the colonial territory; all of which measures only produced in their turn fresh aggressions, and renewed pretensions, on the part of the savages: That your Majesty's petitioners would humbly state, as instances of the inevitable consequences of this unfortunate policy, which divided and weakened the colonists, and shook their obedience to their magistrates and their attachment to the government, while it directly rewarded and encouraged foreign aggression, that when it was officially reported that the Caffre chief Lango had united his tribe with a hostile Bushman horde within the colony, and help was earnestly implored from the seat of magistracy, 200 miles distant, assistance was denied, on the ground "that whenever the inhabitants of Zuerr Veldt had been ordered to assist Graaff Reinet against the ceaseless incursions of the Bushmen, they had pleaded the hostilities of the Caffres as a pretext for remaining at home:" That even long after the colony was subject to Great Britain, the aggressions of the Caffre tribes continued unrepented and their depredations unpunished; and the Earl Macartney authorized, in 1797, an "endeavour to remove, by friendly means, the Caffres, who (in the words of his Lordship) were crowding upon the inhabitants;" yet the savages were long suffered to remain in full possession of lands held by legal titles under the British Crown, and the unfortunate inhabitants being ordered by their magistrates to persevere in peaceful measures, "to unite in small parties for mutual defence," but "to avoid any show of hostility," as "their blood would be on their own heads," or, "to wink at the aggressions of the Caffres, lest they should draw upon the colony another enemy, while "the unconquerable Bushmen demand all our efforts," were reduced by the unchecked ravages of the Caffres to destitution and despair: That your Majesty's petitioners presume humbly to submit the above circumstances to your Majesty's gracious consideration, because the period adverted to precisely corresponds with that at which they observe that their fellow-subjects at a distance are taught to believe, by ignorant or calumnious writers, whose uncontradicted statements have attained some degree of credit where the truth can be but partially known, that "the relations existing between the colonists and the Caffres were plunder on one side and extermination on the other;" and that the expeditions ordered against the Bushmen Hottentots by governors and local magistrates of the most approved humanity, and upon which dangerous expeditions it in all times required the heaviest penalties and the highest encouragements to induce the inhabitants to serve; were undertaken, not for the necessary defence of the lives and property of the colonists, as stated by Lord Macartney, by Sir James Craig, by Mr. Mayneir, by Captain Stockenstrom and by others, who most reluctantly authorised those hostile measures, but in "order to reduce this race to servitude or slavery:" That with the exception of the proclamation issued during the time when the Government were totally misled regarding the affairs of the Caffre frontier, every successive enactment and other publications of every Governor entrusted by your Majesty's predecessors, or by your Majesty, with the government of this colony, and the testimony of every local magistrate and military commander, and of every person whatever, who from enjoying proper opportunities for observation has been enabled to offer impartial and trustworthy evidence, have united in declaring the unprovoked aggression of these savage enemies, and the patient suffering of your Majesty's colonial subjects in general, under very grievous provocation: That it was the recorded opinion of Captain A. Stockenstrom, an officer of great experience and acknowledged humanity, and long in offices of high trust under your Majesty upon the Caffre frontier, that "none of the chiefs of these savages could be relied on," and that "to expect that the colonists could tamely submit to be plundered day after day, and to see their lives and those of their families in constant danger from savages, whose existence almost depends upon their forbearance, without one single effort to save themselves from beggary and destitution, would be exacting too great a sacrifice of natural feeling:" That notwithstanding the most satisfactory official testimony regarding the true nature of the relations existing between your Majesty's faithful subjects in this colony and the lawless and predatory savages, which information is rarely accessible to the public, ignorance and enthusiasm have from an early period found occupation in imposing upon the credulity of a generous nation, with the most partial and fallacious statements, justifying or palliating the offences of the savages where they could not be denied, exaggerating the offences of the colonists where such did exist, or inventing for them offences or motives which existed only in the warm imagination of the enthusiastic and partial writers: That many of your Majesty's petitioners have thus most unjustly and severely suffered under the consequences of a belief that the faults of individuals, which in this, as in all other societies, the community are strongly interested in punishing and repressing, are justly attributable to national feeling, and that they are actuated, as a people, by an inherent and hostile antipathy to the savage races: That your Majesty's petitioners most firmly believe that it has been in a great measure owing to this unjust prepossession that the same course of mistaken lenity and forbearance, encouraging to the savages, but ruinous to your Majesty's subjects, was, with little variation, continued down to the year 1812, when the savages were at length forcibly expelled from the colonial territories, a large extent of which, consisting of a great portion of the present districts of Albany and Uitenhage, they had been suffered to desolate and to occupy: That independently of the ruinous Caffre invasion of 1818, when the savages laid waste a large portion of the frontier districts, and which was most justly punished by a forfeiture of territory, your Majesty's faithful subjects have never ceased to suffer by numerous partial depredations, which the chiefs of these lawless hordes have, in general, neither the disposition nor the power to prevent or punish: That your Majesty's petitioners have had long experience of the fatal effects of the want of laws, or other restraining power among the Caffre tribes, and of their inclination, rather than resort to the boundless tracts of unoccupied pasturage in their vicinity, to "crowd" upon the borders of the colony for the advantage of plundering

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the colonists with an impunity they could never expect were their incursions directed against other native tribes, and also of the unsatisfactory and irritating consequences of those imperfect measures for the recovery of plundered property, which the Government, from the want of power in the savage chiefs, have been induced, with their concurrence, to adopt; and it was, therefore, not without serious alarm that they saw the most predatory of those tribes, such as those of Macomo, Botma and Eno, suffered for a time, with no other restraints than their own mischievous customs could supply, to occupy the country they had so justly forfeited, and to have immediate access to the forests of the Fish River, which from an early period had enabled these tribes to plunder the colonists with safety to themselves: That considering the injurious consequences to the prosperity of the colonists which had resulted from a belief that they were actuated by a hostile disposition towards the Caffres, and were opposed to their just improvement, it was with infinite satisfaction that your Majesty's petitioners saw a portion of the country, which has been recently ravaged by the savages, peopled in 1820 by emigrants from Great Britain, of whom, it could not be alleged, that (whatever their prepossessions regarding the colonists may have been) they had inherited from their fathers any undue prejudices against the Caffres, or entertained against them hereditary feelings of hostility: That the new emigrants speedily perceived and felt the same inconveniences in the colonial relations with those tribes, which had been felt before their arrival; they complained, though possessing means of military defence, previously denied, of the same inadequacy of the means of protection, of the same prohibition of friendly intercourse, and of the same tendency of lenient or mistaken measures, to tempt and provoke, rather than to overawe and to pacify. The new emigrants made, in 1823, the same complaints which in 1798 had been viewed as unreasonable, or as founded in a desire to oppress or impose upon the savages; and your Majesty's petitioners saw with satisfaction that one portion of their requests was favourably received; they rejoiced in the benefits promised to the colony and to the Caffres by an opening of a friendly traffic with the regions beyond the boundary, and by the peaceful exertions of such Christian missionaries, as by abstaining from an irritating and dangerous political interference, could justly look forward to the ultimate blessings of Divine Providence upon their useful labours: That the British emigrants actually availed themselves of the sanction of the laws to improve and convert the savage tribes; and were thus enabled to draw, from a lucrative traffic, advantages so considerable, as to compensate in some degree for their exposure to the inconvenience attendant upon the vicinity to those lawless people, advantages which had not been enjoyed by the former colonists; but notwithstanding these beneficial and peaceful measures, and in spite of the conciliatory spirit towards the savages, which was their natural result, the British emigrants speedily experienced the same treachery and the same rapacity at the hands of these savages, which had been vainly complained of by the former colonists: That the tardy and reluctant admission of these evils in the savage character, which experience wrung from the British settlers, and which (misled as the public mind has been) nothing short of actual experience could have extorted, speedily exposed them to the same systematic misrepresentation which had been previously directed against your Majesty's Dutch African subjects: That the same mistaken enthusiasm which induced an advocate of the savages, during a most sanguinary war in 1802, to allege, that the unprotected farmers were flying, not from real danger, but from the effects "of a troubled conscience," and because "the wicked fleeth when no man pursueth," is as distinctly perceptible in the public language of their advocates of the present day, who declare to the world, that there did not exist in the recent calamitous invasion "any danger worth the name;" and who describe the outcries of thousands of their ruined countrymen as the "clamour raised by conscious guilt to conceal its terrors and mislead the official avenger:" That the same doctrines of non-resistance or forbearance which were advanced at the former period, and are with little change urged at the present day, the enthusiastic denunciation of the commandoes or arrays of the armed inhabitants, even for self-defence, by the Missionary Vanderkempt, being conceived in the same spirit which has dictated all the more recent condemnations of the defensive measures of the government; and which is seen in the present political doctrines of the Missionary Philip, when he would inculcate that the recent irruption ought not, in sound policy, to be visited upon the persons, the herds or the territory of the savages, but that they should in future be pacified mainly by means of instruction, to enable them to learn from political treatises the extent of that power which they would thus be suffered to defy with impunity: That your Majesty's petitioners would not presume to solicit the attention of your Majesty's Government to opinions so unworthy of serious consideration, were it not for the lamentable truth, that the opinion in question had already attained sufficient influence to induce your Majesty's Government to disallow the only law by which, on a frontier, the greater part of which is exposed to the depredations of savages, and destitute of military protection, the inhabitants can be forced to array themselves for the recovery or defence of their property; and that, apparently encouraged by this proof of their influence, and by the success of the means they have adopted for the purpose of misleading public opinion, the present advocates of the savage invaders have not scrupled publicly to declare, that there no longer exists even a chance of your Majesty's Government adopting those measures, which, in the deliberate judgment of your Majesty's representative, and in the unanimous opinion of your Majesty's faithful subjects in this colony, are equally calculated to confer lasting peace and solid prosperity upon the colonists and upon the native tribes: That while your Majesty's petitioners, in common with their fellow-colonists, rejoiced and participated in the increasing prosperity of this colony, from the exertions and example of the British emigrants, they trembled under the conviction that there did not exist, either in the disposition of the savages, in the restraining power of their chiefs, or in the means of military defence, any effectual barrier against

against that torrent of desolation which they feared would burst upon the colony as soon as the temptation to plunder should, in the eyes of the savages, seem to outweigh the advantages of peace: That these apprehensions were increased, when your Majesty's petitioners observed that in more recent, as in former times, your Majesty's subjects and your Majesty's arms upon the Caffre frontier, were subjected to losses and indignities from the Caffre tribes, which the British nation would not have borne with equal patience, and which would not have been suffered with equal impunity, had they been inflicted in other portions of your Majesty's dominions by the subject of any civilized power: That your Majesty's petitioners now beg most humbly to represent to your Majesty that the destructive irruptions which, from the circumstances detailed in this their humble petition, and from their experience of the savage character, they have long been prepared to expect, has at length burst over the frontier districts of this devoted colony, with a force proportioned to the period during which it has been incidentally restrained, and to the amount of booty offered to the grasp of the savages in the plunder of a most flourishing settlement; and that this destruction has fallen, not upon the old colonists alone, but also upon the recently formed settlement of coloured inhabitants, and upon that British population, who, from their situation, from the permission of the laws, and from their friendly feeling towards the savages, had always been engaged in heaping upon them the most substantial benefits: That the ruin consequently brought upon the frontier districts of this colony has been of so general a character, that your Majesty's petitioners cannot but express their fear, that unless the national justice of Great Britain shall speedily indemnify the colonists for their undeserved and ruinous losses, and unless measures are devised, in the wisdom of your Majesty's Government, to ensure further security, that many thousands of your Majesty's subjects will be reduced to poverty, or forced to fly from the colony; that a large portion of your Majesty's dominions may remain a desert; and that the opening prospect of extending civilization and religion in this quarter of Africa, to the advantage and to the honour of the British empire, may be entirely obscured: That your Majesty's petitioners deem it their bounden duty as loyal subjects, whose most vital interests are now at stake, and whose future prosperity as colonists chiefly depends upon the measures which may be hereafter pursued upon the eastern frontier of this colony, to state, that it is their humble but confirmed opinion, that all the measures adopted by your Majesty's Governor of the colony, Sir Benjamin D'Urban, for repressing and punishing the late irruption of the Caffres, are just and necessary; more particularly the removal of the hostile tribes beyond the Great Kye, and the assumption of that river as the future boundary of the colony; and that the settlement within that boundary, and under British laws, of the more peaceable and improvable of the Caffre tribes is (in the humble opinion of your Majesty's petitioners) better calculated than any measure hitherto devised to ensure the future security of the colony, and to promote the solid improvement of the Caffres. That your Majesty's petitioners confidently believe that these measures, if duly supported and improved by the adoption of adequate measures for the diffusion of knowledge, in connexion with the prompt and rigid administration of internal as well as national justice, upon the Caffre frontier, will confer great benefit upon the colony and upon all the native tribes, both within and beyond the British territory; will redound to the advantage of England, in the solid extension of trade, and to the honour of your Majesty's government, and will directly contribute to the substantial good of civilization and religion; while, from long experience of the evils attendant upon the location of a civilized people in immediate contact with lawless savages, your Majesty's petitioners would beg most humbly, but most solemnly, to assure your Majesty, that the most opposite effects would inevitably result should the defensible line of boundary now fortunately adopted be relinquished, and the predatory tribes be again allowed access to the wooded and intricate country which they have so justly forfeited: That your Majesty's petitioners would also beg to express their firm conviction that the momentous affairs of the eastern frontier of the colony can be no longer properly directed, otherwise than by a chief magistrate resident upon the Caffre frontier, and uniting in his own hands, and directing the civil and military authority, as recommended in 1826 by commissioners of inquiry appointed by your Majesty's revered predecessor: That it is the humble but confident belief of your Majesty's petitioners that the mischievous customs and predatory habits of the Caffre tribes have never been, nor can ever be, duly restrained by the power of their chiefs; and that until they are at once coerced and protected by just laws and the enjoyment of legal rights, no people who are subject to the restraints imposed by civilized society can be secure in their immediate vicinity, and that they can never be reclaimed from their savage habits until the means which may be employed towards their civilization are sustained and assisted by the rigid administration of justice. Your Majesty's petitioners would further beg most humbly to assure your Majesty, that rational and practical measures for the improvement of the native races will derive their best support from the hearty co-operation of your Majesty's faithful subjects in this colony, who have a more immediate interest in their success than any other portion of their fellow-subjects: That your Majesty's petitioners entertain the strongest conviction that all the allegations set forth in this their humble petition would prove, upon due inquiry, to be founded in truth, and their humble requests to be based upon justice, sound policy, and the dictates of substantial and practical humanity; that they would prove, upon due examination, to be no more than such reasonable and moderate prayers as it is the duty of loyal and attached subjects in a remote but important part of your Majesty's dominions, to address to your most gracious Majesty, in full confidence that the wisdom of your Majesty's councils, and the justice of the British nation, will not refuse their prayers until full and dispassionate inquiry has proved to your Majesty's satisfaction that they ought not to be complied with: That your Majesty's petitioners, therefore, most humbly pray that your

No. 8.

Sir B. D'Urban
to Lord Glenelg,
22 October 1835.

Enclosure

No. 8.

Sir B. D'Urban
to Lord Glenelg,
22 October 1835.

Enclosure.

Majesty will graciously condescend to command that due inquiry be made into the causes, whether proximate or remote, of the late Caffre irruption, and into the relative circumstances of the eastern province of this colony, and the adjacent independent tribes, and that your Majesty will thereafter be graciously pleased to adopt such measures as may seem to the wisdom of your Majesty's Government best calculated to pacify and improve the native tribes and to insure the future security and prosperity of this settlement.

And your Majesty's most humble petitioners, and loyal and dutiful subjects, will, as in duty bound, ever pray.

(Signed by 364 inhabitants of the settlement.)

— No. 9. —

No. 9.

Sir B. D'Urban
to Lord Glenelg,
7 November 1835.

Copy of a DESPATCH from Governor Sir *B. D'Urban* to Lord *Glenelg*.

Uitenhage, Cape of Good Hope,
7th November 1835.

My Lord,

WITH reference to my despatches to Lord Aberdeen of the 19th June, and of 26th June, marked "confidential," and to Mr. Hay of the 4th September, marked "private," I have the honour to inform your Lordship, that my anticipation, in the latter of these, has been since fulfilled, by my having concluded treaties of peace and settlement with the native tribes (who had still continued in arms in some of their mountain fastnesses), which appear to me alike satisfactory with regard to their present effects, and to their future prospects, and for which I humbly trust to His Majesty's gracious approval.

The restored tranquillity, and pacific aspect of affairs along this frontier, at length enable me to return to the regular seat of government at Cape Town, (whither I am now going,) which I had judged it expedient to defer, for a short period subsequent to the existence of the treaties, in order to assure myself, by personal observation of the commencement of their results, that my presence on the borders would be no longer necessary; while a similar consideration has induced me also to delay the transmission of this Report, that it might conclusively embrace the series of measures and events, since those related in my despatches of June, and place your Lordship at once in possession of the whole.

This I will now proceed to do, premising, that I have not yet received any communications from the Colonial Office in reply to my despatches of the 21st January, 27th February and 19th March. I trust, however, that they have safely reached their destination; and in the last of them, your Lordship will have seen the description and amount of force with which I invaded Caffreland, and (in the second reason therein adduced for an immediate commencement of operations,) the importance attached to the return of the burgher forces to their homes by the end of May, (at the latest by the beginning of June,) that the sowing season, and consequently the crops of the year, might not be lost.

On account of the burghers themselves, too, their release from service in the field, as early as it might be practicable, was much to be desired, for they had been suddenly summoned from their homes in December and January, had been absent from them for a considerable time, and, together with their horses, stood in need of repose and renovation.

To these powerful considerations I had accordingly yielded, and, as your Lordship will have seen by the despatch of the 19th June, had dismissed these farmers in the latter part of May and the beginning of June; although, as they composed the greater part of my cavalry, I was well aware of the diminution which their going would necessarily occasion to my means of expelling the scattered hordes of savages from the natural fastnesses which they still infested, or reducing them to submission.

The regular force at my disposal, small though it was, and the provisional levies of Hottentots, had, it is true, enabled me to maintain my prepared posts of occupation in the new province, and with them its possession; to keep clear the communications, and occasionally to inflict some severe losses upon the enemy; to capture considerable quantities of their remaining cattle; and at length to reduce them to the extremity which has ended in their submission; although more slowly perhaps than was satisfactory, or than would have been the case with ampler means of extended movement, which the having retained the cavalry in question would have given me.

No. 1.

1st, 5th and 6th
July, and 7th Aug.

During this interval, I had every reason to approve and praise the conduct of Colonel Smith and the force of occupation, as your Lordship will see by the

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the enclosed copies of general orders of the period, which that conduct had justly elicited.

The measures pursued were in fact, throughout, judicious and well executed, and without any loss or disaster, excepting that which occurred to Lieutenant Baillic and a detachment of 28 Hottentot infantry of the 1st provisional battalion, who, from an excess of zeal, having gone beyond his instructions, had been surrounded in the woods by the savages, and destroyed, after a gallant and long protracted resistance, and not until his ammunition was expended.

Your Lordship will have seen by my despatch of the 19th June, that I had retained Booko, the uncle of Crieli, and one of his councillors, as hostages for the fulfilment of Crieli's treaty of the 19th May. In the latter end of July, Crieli had earnestly solicited to have his uncle restored, as a person who would be very useful to him, and also as a means of enabling him to fulfil his stipulated payments of cattle with greater expedition.

Considering, then, that there appeared to be little utility in keeping these hostages, and that their possession was, besides, in some respects, an embarrassment; and willing too, to confer upon Crieli the favour he desired, I sent Booko back, with all security and good treatment. For the circumstances attending which arrangement, I request a reference may be made to the enclosure No. 2.

By a reference to my despatches of the 21st January and 27th February, your Lordship will be aware of the nature of the provisional levies of Hottentots, as well cavalry as infantry, by which I had proposed to supply the deficiency of European troops, and that, in the first instance, it had only been necessary to issue pay to the officers of those levies; since the non-commissioned officers and privates might be fairly held to military service, for a certain time at least, upon the same footing as other burghers, only that, as a poorer description of persons, and besides to attain some regularity of appearance, it was necessary to supply them with clothing as well as with rations of provisions.

Upon this footing they had accordingly continued until the beginning of June, when, upon dismissing the whole of the other burgher force, but retaining these in the field, it became as well an act of justice as of policy to give them pay; and, indeed, it would probably have been very difficult to have induced them to continue their services otherwise; or, if that had been compelled, they would have been under a feeling of discontent, which would have deprived them of half their value, and perhaps have rendered them dangerous, in all the circumstances of the times.

I therefore hastened to anticipate their asking for this pay, as they probably would have done, by ordering its issue gratuitously, upon the same scale as that received by the Cape mounted rifles, which is that of British infantry. (Enclosed General Order, No. 3.)

Meanwhile the Caffre chiefs of the tribes of Gaika and T'Slambie still continued obstinately to hold out in the glens in which they lurked, notwithstanding that the sufferings of their people had become very great; and it became necessary for me, in case the unabating coercion of the posts of occupation should not be sufficient to effect their submission, to be prepared for an extensive and effectual operation, to expel them from the country, and to enforce their going bodily beyond the Kye.

I therefore judged it expedient, as the sowing season concluded, to have in readiness again the necessary co-operation of a certain force of burgher horse, and this I did by the enclosed circular order to the magistrates of the neighbouring districts; and, as I could foresee that the time for which I should require their services would be short, it appeared to me expedient to hold out to them (all the circumstances considered) a gratuity, as therein proposed.

In effect, this measure has been essentially useful, since these burgher horse mustered in very considerable force early in September; and their appearance, in the first instance, hastened on the conclusion of the negociation with the Caffre chiefs on the one hand, while, on the other, I employed them with much success in extirpating the straggling robbers who, in small parties, infested the woods of the old border, and had become troublesome by their thefts of cattle.

This, however, did not require me to keep them long embodied, so that I have been enabled to dismiss them all in the course of the last month; consequently, the expense of their assembly has been comparatively small, while the gratuity has given them great satisfaction; and assuredly it has been an expenditure well bestowed, the service rendered having been richly worth it.

No. 9.

Sir B. D'Urban
to Lord Glenelg,
7 November 1835.

No. 2.

No. 3.

Gen. Order, No. 2,
7th June 1835.

No. 4.

10th August 1835.

No. 9.

Sir B. D'Urban
to Lord Glenelg,
7 November 1835.

Although I had not (as I have before observed) received any answer to my despatches to Downing-street of the 21st January, 27th February and 19th March, yet, considering all the circumstances which they had developed, I had looked upon it as not improbable that a reinforcement would be sent me from England, and as the public papers had announced that the 27th Regiment had embarked for this colony, I had, beforehand, directed, that if it should arrive in Table or Simon's Bay, it should immediately come on to Algoa Bay, and join me on the frontier.

It did so, accordingly, and so seasonably for my purposes of the period, that it enabled me very critically to set free the 75th Regiment, which it replaced in the old border line and at Graham's Town; and thus gave me, in addition to the burgher horse above adverted to, such a disposable force in the district of Queen Adelaide, at the time of the negociation with the chiefs, that they felt and acknowledged the impossibility of further resistance, and were quite sensible of my power to enforce such terms as I might see fit to impose.

After the 27th had arrived I learned by a letter from the Horse Guards, that this regiment had not been intended as a reinforcement, but merely as a relief of the 98th. But when I had become aware of this, it was impossible for me, in the peculiar crisis of affairs, without compromising the security and welfare of the colony, to carry the intended arrangement into effect; and I have, therefore, been compelled to take upon me the responsibility of retaining the 98th at Cape Town, for the present at any rate.

In the meanwhile, your Lordship will have learned by my despatches of June, what force I think requisite to provide for the due protection of the colony, whether in the case of keeping, or of renouncing, the new territory.

No. 5.

23d Sept. 1835.

No. 6.

17th Sept. 1835.

No. 7.

30th Sept. 1835.

Towards the middle of August, the posture of affairs with the hostile Caffres led to the events related in the Notice enclosed, with its documents of reference; and the reasons and views by which I was influenced in my conclusion to take the measures therein adopted, will be found in the "confidential notes" (No. 6), to which I request your Lordship's especial attention, and which I trust may be found to establish sufficient grounds for the course of policy which I have pursued. It may not, however, be superfluous for me to add a memorandum which I sent with these notes, to Colonel Smith, commanding in the new province, and especially charged with superintending the execution of these treaties, in order the more securely to possess him of the spirit in which they were framed, and that his application of them might correspond with it, and advance its real purpose.

If this experiment succeed, as I trust it will, the most gratifying consequences may reasonably be anticipated; while if it fail, our position is but strengthened by the trial. It was indeed high time to devise and adopt some new measures at the conclusion of this Caffre war, differing in character from those pursued after all former ones, since these had invariably ended in speedily replacing the security and order of the border districts, in the same condition (or perhaps a worse) as that in which they had found it.

It is especially, therefore, worth a trial, and a fair one. Much as to this must depend upon the fitness of the instruments by whom the trial is made. The commissions which I have appointed for all the preliminary arrangements of location, census, and original establishment, are, I think, well composed; and I have good hopes of the efficiency of the gentlemen whom I shall select as resident agents of Government (until His Majesty's pleasure be known), to replace the commissioners when their labours shall be finished with the respective tribes, in the spirit of the Secretary of State's despatch of the 27th November 1833. Of these there will be one residing with each of the above families, of Congo, Gaika, and T'Slambie, who must be magistrates also, as far as the tribe with whom they reside is concerned; and a central superintending agent of the whole at Graham's Town, who must have a Caffre interpreter for his clerk.

It will certainly be necessary, in order to induce gentlemen of adequate character and ability to undertake this duty, to give to each of the former 300 *l.* a year, to the superintending agent 500 *l.*, and to the interpreter and clerk 200 *l.* viz. :

Superintending

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Superintending Agent	-	-	-	-	£.	500
Three Resident Agents at 300 l.	-	-	-	-		900
Interpreter and Clerk	-	-	-	-		200
Total						1,600

No. 9.
Sir B. D'Urban
to Lord Glenelg,
7 November 1835.

which, by a reference to my despatch of the 28th October 1834, to the Secretary of State, marked "separate,—private," your Lordship will perceive is somewhat less than the expense for that service which I had therein estimated; and I do not think it can be reduced, without endangering the due operation of the system.

The commissioners for the Gaika and T'Slambie families are proceeding rapidly in their work; and the good will with which the chiefs and their dependants appear to enter into the measure, and assist it in all that rests with them, indicates their satisfaction at the whole arrangement.

Your Lordship will observe that I have appointed a clergyman to each of the commissions. These are the missionaries who had heretofore lived with the respective families, and become acquainted with them, and with their circumstances, and who will now again reside among them as before the late disorders.

Meanwhile, about the same time that the hostile tribes were making their submission, the commissioners whom I had appointed for the settlement of the friendly tribe of Congo, (Pato, Kama and Cobus,) had completed the object of their commission, having located these families between the Lower Fish River and the Buffalo, along the sea coast, and executed the deed of settlement in my name, which is enclosed.

It is sufficiently obvious, that for a considerable time to come, the law martial must continue in force in the new province, acting, with regard to His Majesty's new subjects, upon the basis and principles, and according to the spirit, of the treaty by which they have been received as such, and by the obligations of which, both they, and the Governor in the King's name, are bound; and the Judges of the colonial bench may be called upon to prepare drafts of such ordinances to be proposed by the Governor, for the consideration of the legislative council, as may be specially adapted to the condition of these people, still keeping in view the principles of the treaties; by which ordinances, the law martial may be replaced, when it may become expedient to remove it.

In the course of the commissioners' progress in the census of the tribes of Gaika and T'Slambie, they have ascertained that their loss during our operations against them has amounted to 4,000 of their warriors (or fighting men), and among these many captains; ours, fortunately, has not in the whole amounted to 100, and of these, only two* officers. There have been taken from them, also, besides the conquest and alienation of their country, about 60,000 head of cattle, almost all their goats, their habitations every where destroyed, and their gardens and corn-fields laid waste.

They have been, therefore, chastised, not extremely, but perhaps sufficiently; and will, I think, have such a salutary recollection of what they have suffered, as to prevent for a long time their entertaining a desire to renew the outrages which had brought this infliction upon them; while, if the extension of territory which I have made be confirmed, the posts of occupation continued, and the system I have adopted and recommended above persevered in, I venture confidently to hope that, with the blessing of Providence, the colony will not again be visited by calamities like those under which it has so often suffered, and on the last occasion with such appalling severity.

The enclosed sketch will serve to show your Lordship the depth into the colony to which the savages had carried their devastations, at the time I came to the frontier in January last; together with the extent of the province of Queen Adelaide, since added to His Majesty's dominions, for the reasons and purposes set forth in my despatch of the 19th of June last.

It

No. 10.

* One of these having been Lieutenant Baillie, already mentioned. The other, Mr. White, a colonial gentleman, acting on the staff of the burgher force, and employed as a topographer; in the too zealous pursuit of which object, he had unguardedly strayed beyond the reach of protection, and was surprised and slain by some savages who had watched his movements. His loss was much to be lamented, as well on private as on public grounds, but it was not incurred by the operations in the field.—(signed) B. D.

No. 9.
Reproclaimed
within the old
colony on the 16th
June following.
No. 11.
14 Oct. 1835.

It is the same with that defined in the sketch, Enclosure No. 22, of that despatch, as annexed by my Proclamation of the 10th of May, with the trifling addition, at the north-eastern side, of the country from the Stormberg Spruit to the Kraaie River, (B. C. D. E. of this sketch,) which I have made by the recent Proclamation, of which a copy is herewith transmitted, and to which I humbly solicit His Majesty's gracious confirmation, since it is important to make our boundary on that side perfect, belongs to no one, and is uninhabited by any natives, but is frequently occupied as grazing-ground beyond the frontier, in dry seasons, by the farmers on the north-eastern side of Somerset, who have therefore very earnestly prayed that it may be added to the colony, and that they may be allowed locations therein, which will be a very beneficial arrangement for the public interests.

I have, &c.

(signed) *B. D'Urban.*

Marked separate
and private.

P.S.—It is not a little surprising that this colony alone, of all those belonging to His Majesty, should have been hitherto without a militia. By a reference to my despatch of the 28th October 1834, and to the minutes of the executive council therein referred to, your Lordship will see that I had early had this defect under my consideration, and had indeed contemplated the period of the change made by the operation of the Secretary of State's despatch of the 27th November 1833, as a seasonable one for the creation of a local defensive force.

Impressed with its necessity then, before it had been more sternly forced upon me by the subsequent calamities which such an establishment would have been powerful to prevent, these events have since more strongly convinced me of it, and it has appeared to me the most favourable moment, now that they are fresh in the recollection of the sufferers, to act upon that conviction, and proceed to the organization of a local militia, which would perhaps at a later period, and when they shall have been in some degree forgotten, be received and endured with reluctance.

No. 12.
28 Sept. 1835.

I have therefore addressed to all the civil commissioners respectively, the circular enclosed, the results of which will, I think, furnish me with the groundwork of such a protecting local force as I am, on every account, anxious to introduce.

No. 13.
13th August 1835.

I have also, as a collateral measure of individual security, widely disseminated, in Dutch as well as in English, various modes of building farm-houses for defence against the savages, of which I trust the farmers of the frontier districts will be induced to avail themselves in rebuilding their ruined premises.

(signed) *B. D.*

(Enclosure 1, in No. 9.)

GENERAL ORDERS.

Head Quarters, Graham's Town, 1 July 1835.

Encl. 1, in No. 9.

1. THE Commander-in-chief has received from Colonel Smith, commanding the district of Queen Adelaide, a report of the operations of his various detachments, between the 13th and 20th of last month.

2. These had embraced a very wide extent of country, having been carried on at once upon the Kye, Kabousie, Gonubé, Cœhoon, Buffalo, Keishkamma, Tamegha, Umdezine and Deba, and have been everywhere eminently successful and efficient, capturing more than 1,000 head of cattle, and causing to the hostile savages, scattered among the fastnesses of those rivers, much loss and discomfiture.

In their ably directed and well executed movements, the officers employed in them have proved alike the proficiency which they have attained in that difficult and arduous branch of their profession, the charge of independent detachments, and the energy with which they are ever prepared to exert it.

The Commander-in-Chief desires especially to record his approbation upon this occasion of Captain Ross, Cape Mounted Rifles, Captain Gilfillan, 1st Provisional Battalion, Captain Crawse, 1st Provisional Battalion, and Captain Rawstorne, 2d Provisional Battalion; and Lieutenants Leslie, Kelso and Simmons, 72d Regiment, Lieutenant Sutton, 75th Regiment, Lieutenant Grauet, 98th Regiment, and Lieutenants Baillie, Biddulph and Bowker 1st Provisional Battalion.

(signed) *A. A. O'Reilly, Major,*
Acting Deputy Adjutant-General.

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GENERAL ORDERS.

Head Quarters, Graham's Town, 3 July 1835.

THE Commander-in-chief has the satisfaction to communicate to the troops the unceasing and successful enterprizes of their comrades in the district of Queen Adelaide, under the able direction of Colonel Smith. Those from the 20th to the 30th of June have extended over various parts of the country, from the Dorn River on the north to the Lower Kye on the sea coast, the Umdezzine and Lower Buffalo, and have cost the enemy very considerable loss of his men, capturing more than 1,800 head of cattle, with many goats, and have destroyed large quantities of corn and other stores.

Colonel Smith mentions, as especially distinguished by their active and able exertions, Captains Murray and Jervis, 72d Regiment, Captains Warden and Ross, Cape Mounted Rifles, and Captain Baillie, 1st Provisional Battalion; Lieutenant Leslie, 72d Regiment, Lieutenant Puleston, Cape Mounted Rifles, and Lieutenants Baillie and Biddulph, 1st Provisional Battalion; Ensign Campbell, Cape Mounted Rifles, Ensign Bisset, 1st Provisional Battalion, and Ensigns Rubidge and Ryneveldt, 2d Provisional Battalion; and the Field-commandant Groepe, of the Kat River Legion.

These officers, whom the Commander-in-chief has so often had the satisfaction to praise, he now assures of his continued approbation.

(signed) A. A. O'Reilly, Major,
Acting Deputy Adjutant-General.

GENERAL ORDERS.

Head Quarters, Graham's Town, 6 July 1835.

1. THE Commander-in-chief desires to offer his thanks to Captain Armstrong, of the Cape Mounted Rifles, commanding the northern sub-district of Albany and Somerset, for his active and efficient operation, from the 30th of last month to the 4th instant inclusive, throughout the valleys and ravines of the Chumie and Upper Keishkamma, the neighbourhood of Bromshill, and the Lower Deba. These have occasioned the enemy considerable loss, and kept that line of the old colonial border secure.

2. Captain Armstrong speaks in terms of great approbation of all the troops employed on this occasion, and especially of Major Blakeway and Captain Alexander, of the Beaufort Levy, of Ensign Tomlinson, of the 2d Provisional Battalion, and of Field-commandant Rabé, of the Beaufort Burghers, whose good service the Commander-in-chief has great satisfaction in thus placing upon record.

(signed) A. A. O'Reilly, Major,
Acting Deputy Adjutant-General.

GENERAL ORDERS.

Head Quarters, Graham's Town, 7 August 1835.

WITH reference to the general orders of the 1st, 5th and 6th of July, when the Commander-in-chief had last the satisfaction of thanking the troops in the province of Queen Adelaide, he now desires to record his approbation of their continued gallant and excellent services, as reported by Colonel Smith, during the latter part of June, and the whole of the month of July. These have been hardily and brilliantly achieved, with great loss to the enemy, and the capture of 5,000 head of cattle; and for these the Commander-in-chief desires to express to the officers and soldiers his approbation and his thanks, which are especially due to Colonel Smith; Major Cox, 75th Regiment; Captains Murray, Jervis and Lacy, 72d Regiment, Captains Ross and Warden, Cape Mounted Rifles, Captains Crawse, Gilfillan, Cowderay and Baillie, 1st Provisional Battalion, and Captains Rawstorne, Stretch and Crowe, 2d Provisional Battalion; Lieutenants Leslie, Fisher and Stuart, 72d Regiment, and Lieutenants Bowker, Biddulph, Crowe and Crawse, 1st Provisional Battalion; and Ensigns Campbell and Thompson, Cape Mounted Rifles, Ensigns Runbridge and Thorn, 1st Provisional Battalion, and Ensigns Reyneveldt and Shields, 2d Provisional Battalion; and that very meritorious officer of the Burgher Force the Field-commandant Christian Groepe, of the Kat River Legion.

(signed) A. A. O'Reilly, Major,
Acting Deputy Adjutant-General.

(Enclosure 2, in No. 9.)

COMMUNICATION from His Britannic Majesty's Governor of the Cape of Good Hope to the Chief *Crieli*.

Encl. 2, in No. 9

CAPTAIN WARDEN, on his return from his command on the Impotshana, has communicated to me your desire that the chief Bookoo, now a hostage with me for the fulfilment of the treaties between us, should return to you, inasmuch as you reckon upon his rendering you good services; and as I nothing doubt your fulfilling those treaties, and wish to give

No. 9.
 B. D'Urban
 Lord Glenelg,
 November 1835.
 ———
 Encl. 2, in No. 9.

you a proof of my goodwill, I have accordingly directed Bookoo, together with his hemrade Kinki, to be conducted back in all safety to the Kye, and restored to their country.

I send you also by Bookoo copies of the existing treaties between us, written in the Caffre language and signed with my hand, and I have perfect faith in your fulfilling them to the utmost of your power.

Referring you to those of the 19th of May, I am sorry to learn that you discourage the entrance of the Amakakabe tribes into your country, and it will give me satisfaction that you should rather receive and encourage them to come thither hereafter, observing the conditions of the 4th article of that treaty.

I repeat my confidence in your good faith and friendly actions towards the colony; all which shall be reciprocally observed on my part towards you and your nation, and thereupon I bid your farewell.

Head Quarters, Graham's Town,
 this 28th day of July 1835.

(signed) B. D'Urban,
 Governor of the Colony of the
 Cape of Good Hope.

INSTRUCTIONS for Captain *Southey*, of the Guides.

1. It is proposed to comply with the desire of the chief Crieli, communicated by Captain Warden, to send back to him the chief Bookoo, his uncle, now a hostage at my head quarters, and that the other hostage, his hemrade Kinki, shall accompany him; and my communication to them of the 28th instant, through Mr. Shepstone, the Caffre interpreter, will have duly apprised them of this intention.

2. Captain Southey, in whose care these hostages have been placed, will therefore provide them with horses, and any additional clothing or other articles which may be necessary for their comfort on the journey, and will proceed with them to Colonel Smith's camp, at King William's Town.

3. He will there communicate these instructions to the Colonel, who will therefore cause him to be furnished with due escort for his farther journey with the hostages to Warden's post;

4. Where he will communicate these instructions to the officer commanding that post, who will thereupon furnish him with a sufficient escort to conduct the hostages to Smith's Tower, or any other more convenient spot on the banks of the Kye;

5. And will there dismiss them with all courtesy, and present to them, in my name, the horses which they will have ridden on the journey.

6. From the great care which Captain Southey has all along taken for the health, comfort and due attendance of the hostages, and which has been so creditable to him, it must be superfluous to add, he will continue the same to them, with every personal protection, to the conclusion of his charge.

7. Captain Southey will then return hither with all convenient expedition.

8. All officers in His Majesty's service are hereby required to afford Captain Southey every assistance which he may require in the execution of this duty.

(signed) B. D'Urban,
 Head Quarters, Graham's Town,
 30 July 1835. M. General, Governor,
 C. in C.

Sir,

Graham's Town, 31 July 1835.

I HAVE the honour to report to your Excellency, that I have received this morning your Excellency's written instructions relative to the return of the Caffre hostages, Bookoo and Kinki, to their own country; and that I have, in compliance with those instructions, provided horses and other necessaries for their conveyance and comfort on the journey; and I beg leave to assure your Excellency, that I shall continue to treat them with all possible kindness and attention, up to the moment of their final dismissal on the banks of the Kye.

I beg further to report to your Excellency, that these hostages leave Graham's Town in excellent health and spirits, and that I have been particularly requested by them to convey to your Excellency their most sincere thanks for the kindness and attention they have experienced from the day they became hostages to the present time.

I have, &c.

To his Excellency Major-General (signed) R. Southey,
 Sir B. D'Urban, K. C. B., Governor & Commander-in-chief, Captain of Guides,
 &c. &c. &c.

Sir,

King William's Town, 3 August 1835.

I HAVE the honour to report to your Excellency, that, agreeably to your Excellency's instructions with reference to the Caffre hostages, I left Graham's Town (with them) on Friday the 31st ultimo, and arrived here yesterday evening, having slept on Friday night at Hermann's Kraal, and Saturday night at Fort Willshire; and they still continue to enjoy very good health. On their arrival here Colonel Smith presented them with some beads, buttons, wire, &c., to them valuable articles.

I expect

I expect to go from hence about nine o'clock this morning, and to halt for the night at Fort Wellington; from whence we shall proceed the next day to Warden's post, where I shall make final arrangements for their safe conduct to their own country.

I have, &c.

To his Excellency Major-General (signed) *R. Southey*,
Sir B. D'Urban, K.C.B., Governor & Commander-in-chief, Captain of Guides.
&c. &c. &c.

No. 9.
Sir B. D'Urban
to Lord Glenelg
7 November 1835

Encl. 2, in No.

Sir,

Graham's Town, 14 Aug. 1835.

I HAVE the honour to report to your Excellency, that I left King William's Town with the Caffre hostages, Bookoo and Kinki, on Monday the 3d instant, and halted for the night at Fort Wellington, from whence we proceeded the next morning along the road towards Warden's post, until we arrived at the Komka River (about seven miles on this side Warden's post), where Bookoo had requested he might be allowed to depart, as he knew a short path to his home, and would be able to reach it that night. I accordingly halted the escort there, and after again reminding him of your Excellency's message to the chief Crieli, and delivering to him the printed copy of the treaties in the Caffre tongue, to take to that chief, I presented them, in your Excellency's name, the horses, saddles, &c. on which they had ridden on their journey. I then accompanied them about two miles from the road, in the direction of the banks of the Kye, where I bid them farewell. The chief Bookoo then requested me to return your Excellency his thanks for the universal kindness he had received, particularly for causing him to be released and safely conducted so near to his own country; that he should go directly to his nephew Crieli, and render all the assistance in his power to fulfil the treaties entered into with your Excellency, and after that, he should come to your Excellency to ask for some land on this side the Kye. He also requested me to ask your Excellency to send him four tiger skins, and left in perfect health and high spirits, and apparently with the best feeling towards your Excellency and the colony.

I beg to assure your Excellency that the late hostages received every possible kindness and attention from the officers commanding the different posts where we halted, particularly from Colonel Smith, at King William's Town. Lieutenant Leslie, 72d Highlanders, commanding Fort Wellington, kindly provided me with a native interpreter, which enabled me better to communicate with them when we parted.

I have, &c.

(signed) *R. Southey*, Captain of Guides.

To his Excellency Major-General Sir B. D'Urban, K.C.B.,
Governor and Commander-in-chief, &c. &c. &c.

(Enclosure 3, in No. 9.)

GENERAL ORDERS.

Head Quarters, Camp at King William's Town,
7th June 1835.

THE three provisional companies of the Cape Mounted Rifles, and the 1st and 2d Provisional Battalions, will receive pay from the 1st instant, at the present daily rate of the regular Cape corps,

Encl. 3, in No.

	Per Diem.		Deduct for Rations.	
	s.	d.	s.	d.
Serjeant-major	3	-	-	5
Quartermaster Serjeant	2	6	-	-
Colour Serjeants	2	4	-	-
Serjeants	1	10	-	-
Corporals	1	4	-	-
Buglers	1	1 ½	-	-
Privates	1	-	-	-

until His Majesty's pleasure be known.

(signed) *H. G. Smith*, Colonel,
Chief of the Staff.

(Enclosure 4, in No. 9.)

COPY of a Circular Letter to the Civil Commissioners of Graaff Reinet, Uitenhage and Albany, and to the Assistant Civil Commissioner of Somerset.

Encl. 4, in No.

Sir,

Head Quarters, Graham's Town, 10 August 1835.

You are doubtless aware that my desire to restore the burgher force, lately employed in the field, to their homes in time for the sowing season, on account, at once, of their individual interests, and those of the colony generally, as involved in the sufficiency of the ensuing crops, induced me to dispense with their services at the earliest possible period, and this

No. 9.

ir B. D'Urban
Lord Glenelg,
November 1835.

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this at the time presented to me but a choice of inconveniences, inasmuch as it became necessary that I should sacrifice the important objects above adverted to, or delay the consummation of measures then in forward progress against the savage enemies of the country.

Placed in this choice of evils, I took that which appeared to me the least; to the adoption of which I was, besides, disposed by a strong feeling for the personal inconveniences of the burghers themselves, who, suddenly summoned from their homes, had been absent from them for a considerable time, had been actively employed, and who, consequently, together with their horses, stood in need of repose and renovation.

This course, however, incurred a consequence, of which, when I was compelled by the above considerations to adopt it, I had not failed to anticipate the probability. The regular force at my disposal, small though it was, has well enabled me to maintain my prepared posts of occupation; to keep clear their communications; to inflict severe losses upon the hostile tribes; to capture several thousand head of cattle; and to prevent a combination of the enemy against any part of the old border. But the great diminution of my cavalry, resulting from the discharge of the burgher horse, of which it had almost entirely consisted, unavoidably deprived me of those means for more general and extended offensive movements, which were necessary for the expulsion of the savages from several widely separated parts of the new province, in which their scattered hordes (encouraged, as it would seem, to an obstinate and persevering resistance, by the opinions in their favour and support, so dangerously maintained and promulgated within the colony, and speedily communicated to them) have since re-assembled; and consequently this concluding and necessary portion of my important task, is to a certain degree still to be performed.

For this great object (in which it must be needless to say the security of the colony is deeply interested), it is essential that I should be able to combine the services of a certain force of cavalry with those of my infantry, now about to be powerfully increased by the reinforcements arrived, or every day arriving, from England. This cavalry, however, as you well know, can only be procured by again requiring the services of a portion of the burgher force; which, now that the whole of them have been for a considerable period at home, and that the sowing season is past, may, I conceive, be again afforded without material prejudice to the agricultural interests of the country, for the short period that they will now be required; or that of individuals, considering the equivalent advantages, which for this especial occasion I feel myself authorised to give, namely, that from the day the different contingents now required reach the points in the province of Albany and Somerset upon which they will be respectively directed to rendezvous, until they shall be again dismissed, each of the field-commandants shall receive a daily pay of 2s., of the field-cornets of 1s. 6d., and the burghers each 1s., together with regular rations for themselves and for their achter riders.

I am, therefore, to request and enjoin that you forthwith take the necessary steps for calling out from the district of Graaff Reinets, Uitenhage, Albany, sub-district of Somerset and Cradock, a body of burghers consisting of

Graaff Reinets	-	-	2	Field Commandants,	4	Field Cornets,	200	Burghers.
Uitenhage	-	-	1	ditto	3	ditto	120	ditto.
Albany	-	-	1	ditto	2	ditto	80	ditto.
Somerset	-	-	1	ditto	2	ditto	100	ditto.

At the same time making the above conditions of the present service well known throughout the district; and according to the intimate acquaintance which you possess of all the inhabitants, and their distribution, taking care that while you select good and serviceable men, between the ages of 18 and 45 inclusive, you draw them in just proportions from the different farms, so that their respective contributions may be fair and equal, and that no farm may be left without some of the males of its family to take care of it.

Each burgher of the force now sent must be provided with a good gun and one or two serviceable horses; and as it is necessary to avoid the encumbrance of waggons (as was the case in all former services of this nature), the small indispensable quantity of baggage of each (which as they will be regularly rationed, ought to be inconsiderable,) must be carried upon a baggage horse.

I cannot doubt that a proper feeling for the service of their country, which I have so lately witnessed amongst them, still animates the burghers of the district of ———; and that this, together with the advantages which I have proposed, will enable you rapidly to complete your contingent, of which I will request you to send me a nominal return as soon as may be practicable; causing it, in the meantime, to march, as soon as it can be collected, to Graaff Reinets, Uitenhage, Albany, Somerset, Fort Beaufort, Bathurst, Cypher Fontein, Leemree Fontein, between the Kat and Koenap Rivers, where it ought to arrive on or before the 1st day of September next, and where it will be mustered and enter upon the receipt of pay and rations, as above proposed.

It is proper withal, that I should here request you clearly to understand, that although in consideration of the burgher force having been so recently dismissed from service, and of this portion of them having been so soon again called out, I have determined to issue to them the above rate of pay, with regular rations, during the present service, which I regard as of an extraordinary nature, yet it can be no precedent for any future services, after this shall have been concluded, upon which the burgher force may hereafter be employed, and which must again, as heretofore, be performed under the provisions of the established laws of the colony.

I have

I have thought it right to explain to you fully the cogent reasons for requiring this burgher force now, and I rely, with all confidence, on your well-known zeal and activity for the due fulfilment of this urgent duty, and the accomplishment of its object, the importance of which you cannot fail to appreciate.

I have, &c.
(signed) B. D'Urban.

No. 9.
Sir B. D'Urban
to Lord Glenelg,
7 November 1835.
Encl. 4, in No. 9.

(Enclosure No. 5, in No. 9.)

NOTICE.

PEACE has been concluded by the Governor and Commander-in-chief, in the name of His Majesty, with all the Caffre tribes lately in arms against the colony, comprising those of Gaika, T'Slambie, and their connexions and dependents; who have thereupon, at their own earnest supplication, become subjects of His Majesty, amenable to, and under the protection of, the colonial laws and government; and who are located and established accordingly within the colony, in the province of Queen Adelaide, by the following treaties of peace, respectively granted to the tribes of Gaika and of T'Slambie.

Encl. 5, in No. 9

(See A. and B. annexed.)

(A.)

ARTICLES of a Treaty of Peace, granted to the Caffre family of *Gaika* and its Connexions and Dependents, in the name of the King of *England*, by His Britannic Majesty's Governor of the Colony of the *Cape of Good Hope*.

THE above tribe, and its different branches and connexions, being therein personally represented by Macomo, Tyalie and Eno, for themselves; Kusia (son of Guanya), for Suta and her son Sandili; Fadani, for Bothma: and these chiefs, for the whole collectively, and each individually, and independently for himself and his own immediate family, or for that which he represents, having supplicated for mercy and peace at the hands of the Governor, and prayed to be admitted and received as subjects of the King of England, and to live henceforth under the protection and authority of the English laws, within His Majesty's aforesaid colony; and His Majesty's Governor having, in the name of the King his Master, granted the said prayer, these articles of treaty are hereby mutually agreed on between the aforesaid contracting parties, and are concluded and ratified accordingly, in the manner and terms following:—

1. The aforesaid chiefs and representatives, Macomo, Tyalie, Kusia, Eno and Fadani, all of them, in the name of the whole tribe, its connexions and dependents, and each for himself and the branch or family of it which he individually represents, separately and solemnly promise and engage to bear true allegiance to, and to be faithful subjects of, His Majesty the King of England; to be friends to His Majesty's friends, and enemies to his enemies; to obey the commands of His Majesty's Governor, and the duly constituted colonial authorities, and to live in submission to the general laws of the colony. The Governor and the laws at the same time extending to them the same protection and security as to the other subjects of His Majesty.

2. To the penalties of these laws, the above chiefs and representatives, as aforesaid, their tribe and families, hereby alike become amenable if they break them; and they must be aware that these laws inflict severe punishments, and even death itself, upon those who commit the crimes of treason, viz. rebellion, or taking up arms against the King or the government of the colony; murder; rape; setting houses or property on fire; theft, whether of horses, cattle, sheep, goats or other property. And such penalties will be equally incurred, if they be committed by any members of the above tribes or families against each other, as if committed against other inhabitants of the colony.

And they will also especially take notice and be aware, that the Fingoe nation, having already become subjects of the King of England, any offence against the persons or property of the Fingoes will incur the penalties of the laws, and be severely visited upon all such offenders.

And the aforesaid chiefs and representatives are also made aware, that any proceedings on their part, or on the part of any of their tribe or families, as aforesaid, against any one, whether within or without their tribe, for the pretended offence of witchcraft, are peremptorily forbidden by the above-cited laws, and will be severely punished accordingly.

At the same time the aforesaid chiefs and representatives understand, and it is a part of this treaty, that the said English laws do not apply, and will not be applied to or interfere with the domestic and internal regulations of their tribe and families, nor with their customs, in so far as these do not involve a breach of the above-cited laws.

3. And the aforesaid chiefs and representatives hereby promise and engage to send out immediately positive orders, and to cause them to be instantly and duly obeyed, for the recal of all parties of their respective families and dependents now employed in predatory inroads upon the colony, and to prevent all such predatory incursions for the future.

4. And the aforesaid chiefs and representatives hereby promise and engage to deliver up without delay, into the hands of Colonel Smith, commanding His Britannic Majesty's troops in the Province of Queen Adelaide, or to any officers whom he may appoint to receive them, all the muskets which may be in their possession.

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5. All the above well understood and performed, the Governor, upon his part, in the name of His Majesty, promises to afford in favour of the aforesaid chiefs and representatives, their tribe and families, all due protection and support for the maintenance of their rights, their property, their security and welfare, equally with the other subjects of His Majesty.

6. And the Governor, yielding to the earnest supplications of the aforesaid chiefs and representatives, "that they may not be expelled from their native country," and in the hope that they may for the future, as they have solemnly promised, keep peace and good order within, and abstain from all inroads and robberies without, their allotted boundary, hereby assigns to each of them and their respective families, a fair and adequate proportion, according to the amount of population of each family, to be determined by the commissioners hereinafter set forth, for their location, establishment and regulation, of a tract of country bounded as follows:—

On the west, from the Enweleni to the Iqirikazi, and thence along the mountain to the source of the Chumie River; thence down the left bank of the Chumie to its confluence with the Keishkamma; thence up the right bank of the Keishkamma to its confluence with the Deba; thence up the right bank of the latter to the Deba Neck; thence, within (to the north of) the road to the Mission Station of Pirrie; thence to the summit of the hill called Isidenge; thence down the left bank of the Kabousie River to the Kye; with the reservation of such spots and lines for roads, out-span places, places of public worship, schools, magistracies, military stations and other public services, as the Governor may from time to time find it necessary to occupy, as well for the general benefit of the colony, as for the particular benefit of the aforesaid chiefs, their tribes and families.

And reserving also a due and proper location, with adequate lands, to be determined by the aforesaid commissioners, at and about Burn's Hill, for Suta and Sandili and their family, and also a similar location and lands at and about the Chumie Mission Station, for Matua and Tinta, and their families.

7. And each of the above chiefs shall, in token of fealty to the King of England, and of acknowledgment of holding his lands under His Majesty's Sovereignty, cause to be delivered to such officer or officers as the Governor shall appoint on behalf of His Majesty, one fat ox, in the course of the first month of every year; in the failure of which condition, he will forfeit his said lands, unless they be granted anew by the Governor in the name of His Majesty.

8. Ministers of the Gospel, schoolmasters, and, where necessary, English magistrates or residents, will be duly appointed within the above locations. And it is hereby concluded and agreed on by the said chiefs and representatives, that they and the heads of families shall act as magistrates of the colony, each in his location, if required to do so by the Governor, and under such titles, and to obey such instructions as shall by him be determined; and that they shall not harbour, nor suffer to be harboured within their respective locations, any person or persons, whether of their own tribe or of others, whether English, Hottentots, Boers, or of any other nation, suspected or known to have been guilty of any crime or offence against the colony, but shall immediately secure and deliver up any such person or persons to the nearest colonial authorities.

9. And it is hereby further concluded and agreed on by the aforesaid chiefs and representatives, and they alike promise and engage, that they shall, without delay, communicate to the colonial authorities any overtures made, or which may hereafter at any time be made to them, from any person or persons, whether within or without the colony, tending to its prejudice or danger, and shall equally communicate in like manner any intelligence which may at any time come to their knowledge, of danger threatening the colony, from whatever quarter.

10. And it is hereby further concluded and agreed on by the aforesaid chiefs and representatives, that they and the heads of families in their respective locations, shall all and each of them prevent by every means within their power, inroads into the colony of robbers to steal cattle or other property; and shall, moreover, in the case of any cattle or property so stolen being brought into their respective locations, secure and deliver it to the nearest colonial authorities; well understood, that the Governor will justly hold that chief responsible for restoring colonial cattle or other property, into whose location it shall have been traced.

11. The Governor having appointed a commission consisting of, 1, The Hon. Colonel Smith, c.b., Chief Commissioner; 2, Lieutenant-colonel England, 75th Regiment; 3, The Rev. W. Chalmers, Glasgow Mission; and 4, Captain Stretch, Provisional Companies, 75th Regiment, for the location, establishment and regulation of the aforesaid chiefs, tribe and families; the said commissioners (or a majority of them) are hereby duly authorized, so soon as they shall be reasonably satisfied that the 3d and 4th conditions of this treaty have been fairly complied with, to conclude and ratify it finally by their signatures, and to receive and record by endorsement upon this document, the accession and agreement of the aforesaid chiefs and representatives thereto; and thereafter to locate and place each in possession of his allotted location, and within his appropriate boundary accordingly.

12. When all the above arrangements shall have been duly carried into effect, the Governor will appoint an agent for the government, to reside among or near to the locations; with whom the chiefs will communicate whenever they may desire it, for the information of the Governor, of whose communications to them he will also be the accredited organ.

13. For the present, and until the Governor may judge it safe and beneficial, as well for the old colonists as for these His Majesty's new subjects, hereby admitted under the protection of His Majesty's Government, none of these last, whether of the family of Gaika, or its connexions or dependents as aforesaid, can be allowed to cross the Chumie, or the Keishkamma

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kamma River below its confluence with the former, or by any other way to enter the old colonial border without a pass signed by one of the above commissioners, or by the agent when he shall have been appointed; and even in that case all persons so passing the boundary must be unarmed; a departure from this condition will expose the individuals infringing it to be shot, and its observance is therefore very strictly and earnestly enjoined.

Given under my hand and seal, at Fort Willshire, this 17th day of September 1835.

No. 9.
Sir B. D'Urban
to Lord Glenelg,
7 November 1835.

Encl. 5, in No. 9.

(signed) B. D'Urban, Governor,
And Commander-in-chief of the Colony of the Cape of Good Hope.

(B.)

ARTICLES of a Treaty of Peace granted to the Caffre Chiefs, of the Tribe of *T'Slambie*, *Umhala*, *Tsyolo* and *Gazelli*, and their Families, in the name of the King of England, by His Britannic Majesty's Governor of the Colony of the Cape of Good Hope.

THE above chiefs personally present, for the whole collectively, and each individually and independently for himself, and his own immediate family, having supplicated for mercy and peace at the hands of the Governor, and prayed to be admitted and received as subjects of the King of England, and to live henceforth under the protection and authority of the English laws, within His Majesty's aforesaid colony; and His Majesty's Governor having, in the name of the King his master, granted the said prayer, these articles of treaty are hereby mutually agreed on between the aforesaid contracting parties, and are concluded and ratified accordingly, in the manner and terms following:

1. The aforesaid chiefs Umhala, Tsyolo and Gazelli, all of them, in the name of the whole, and each for himself, and the branch or family which he individually represents separately, solemnly promise and engage to bear true allegiance to, and to be faithful subjects of, His Majesty the King of England; to be friends to His Majesty's friends, and enemies to his enemies; to obey the commands of His Majesty's Governor, and the duly constituted colonial authorities, and to live in submission to the general laws of the colony. The Governor and the laws at the same time extending to them the same protection and security as to the other subjects of His Majesty.

2. To the penalties of these laws the above chiefs as aforesaid, their tribe and families, hereby alike become amenable if they break them; and they must be aware that these laws inflict severe punishment, and even death itself, upon those who commit the crimes of treason, viz. rebellion, or taking up arms against the King or the government of the colony; murder; rape; setting houses or property on fire; theft, whether of horses, cattle, sheep, goats, or other property. And such penalties will be equally incurred if they be committed by any members of the above tribe or families against each other, as if committed against other inhabitants of the colony, or against friendly nations.

And they will especially take notice and be aware that the Fingoe nation, having already become subjects of the King of England, any offence against the persons or property of the Fingoes will incur the penalties of the laws, and be severely visited upon all such offenders.

And the aforesaid chiefs are also made aware that any proceedings on their part, or on the part of any of their tribe or families as aforesaid, against any one, whether within or without their tribe, for the pretended offence of witchcraft, are peremptorily forbidden by the above cited laws, and will be severely punished accordingly.

At the same time the aforesaid chiefs understand, and it is a part of this treaty, that the said English laws do not apply, and will not be applied to, or interfere with, the domestic and internal regulations of their tribe and families, nor with their customs, in so far as these do not involve a breach of the above cited laws.

3. And the aforesaid chiefs hereby promise and engage to send out immediately positive orders, and to cause them to be instantly and duly obeyed, for the recall of all parties of their respective families and dependents now employed in predatory inroads upon the colony, and to prevent all such predatory incursions for the future.

4. And the aforesaid chiefs hereby promise and engage to deliver up, without delay, into the hands of Colonel Smith, commanding His Britannic Majesty's troops in the province of Queen Adelaide, or to any officers whom he may appoint to receive them, all the muskets which may be in their possession.

5. All the above well understood and performed, the Governor, upon his part, in the name of His Majesty, promises to afford, in favour of the aforesaid chiefs, their tribe and families, all due protection and support for the maintenance of their rights, their property, their security and welfare, equally with the other subjects of His Majesty.

6. And the Governor hereby assigns to each of these chiefs and their respective families a fair and adequate proportion, according to the amount of the population of each family, and to be determined by the Commissioners hereinafter set forth for their location, establishment and regulation, of a tract of country, bounded on the west by the Cahoon, on the north by a line drawn parallel to, at one mile from, and to the south of, the high road leading from King William's Town to the great ford over the Kye, below Smith's Tower, on the east by the right bank of the Kye, and on the south by the sea coast, between the mouth of the Kye and the mouth of the Cahoon.

With the reservation of such spots and lines for places of public worship, schools, magistracies, military posts, out-span places, roads, and other public services as the Governor may, from time to time, find it necessary to occupy, as well for the particular benefit of the aforesaid chiefs, and their families, as for the general benefit of the colony.

7. And each of the above chiefs shall, in token of fealty to the King of England, and of acknowledgment

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acknowledgment of holding his lands under His Majesty's Sovereignty, cause to be delivered to such officer or officers as the Governor shall appoint on behalf of His Majesty, one fat ox in the course of the first month of every year; in failure of which condition he will forfeit his said lands, unless they be granted anew by the Governor in the name of His Majesty.

8. Ministers of the Gospel, schoolmasters, and, where necessary, English magistrates or residents, will be duly appointed within the above locations. And it is hereby concluded and agreed on by the said chiefs, that they and the heads of families shall act as magistrates of the colony, each in his location, if required to do so by the Governor, and under such titles, and to obey such instructions, as shall by him be determined; and that they shall not harbour, nor suffer to be harboured, within their respective locations, any person or persons, whether of their own tribe or of others, whether English, Hottentots, Boers or of any other nation, suspected or known to have been guilty of any crime or offence against the colony, but shall immediately secure and deliver up any such person or persons to the nearest colonial authorities.

9. And it is hereby further concluded and agreed on by the aforesaid chiefs, and they alike promise and engage, that they shall without delay communicate to the colonial authorities any overtures made, or which may hereafter at any time be made to them, from any person or persons, whether within or without the colony, tending to its prejudice or danger; and shall equally communicate in like manner any intelligence which may at any time come to their knowledge of danger threatening the colony from whatever quarter.

10. And it is hereby further concluded and agreed on by the aforesaid chiefs, that they and the heads of families in their respective locations shall, all and each of them, prevent by every means within their power inroads into the colony of robbers to steal cattle or other property; and shall moreover, in the case of any cattle or property so stolen being brought into their respective locations, secure and deliver it to the nearest colonial authority; well understood that the Governor will justly hold that chief responsible for restoring colonial cattle or other property into whose location it shall have been traced.

11. And whereas the Governor has been pleased to locate the great widow of Dushani, Nonübe, and Siwanā, the son of that chief, together with Umgahie, on the right bank of the Buffalo, and to appoint adequate lands for their residence there; the aforesaid chiefs Umhala, Tsyolo and Gazelli, hereby promise and engage to abstain from all violence and animosity towards the said Nonübe, Siwanā and Umgahie, and from molesting them in any degree whatever.

12. The Governor having appointed a commission, consisting of the Hon. Colonel Smith, c. b., Chief Commissioner; Lieutenant-Colonel Peddie, k. h., 72d Regiment; the Rev. W. B. Boyce, of the Wesleyan Mission; Captain Rawstorne, Provisional Companies, 75th Regiment; Richard Southey, esq.; and James Kidd, esq.; for the location, establishment and regulation of the aforesaid chiefs, tribe and families, the said commissioners, or a majority of them, are hereby duly authorized, so soon as they shall be reasonably satisfied that the 3d and 4th conditions of this treaty have been fairly complied with, to conclude and ratify it finally by their signatures, and to receive and record by indorsement upon this document the accession and agreement of the aforesaid chiefs thereto; and thereafter to locate and place each in possession of his allotted location, and within his appropriate boundary accordingly.

13. When all the above arrangements shall have been duly carried into effect, the Governor will appoint an agent for the government, to reside among, or near to, the locations; with whom the chiefs will communicate, whenever they may desire it, for the information of the Governor, and of whose communications to them he will also be the accredited organ.

14. For the present, and until the Governor may judge it safe and beneficial, as well for the old colonists as for these His Majesty's new subjects hereby admitted under the protection of His Majesty's Government, none of these last, whether of the family of T'Slambie, its connexions or dependents as aforesaid, can be allowed to cross the old colonial border of the colony from the mouth of the Keishkamma, up that river and the Chumie, and along the Katberg to the Winterberg, or by any other way to enter the old colonial border, without a pass signed by one of the above commissioners, or by the agent, when he shall have been appointed; and even in that case all persons so passing the boundary must be unarmed. A departure from this condition will expose the individuals infringing it to be shot, and its observance is therefore very strictly and earnestly enjoined.

Given under my hand and seal, at Fort Willshire, this 17th day of September 1835.

(signed) B. D'Urban, Governor,
and Commander-in-Chief of the Colony of the Cape of Good Hope.

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It will have been seen in the previous official Notices published during the late war, in the months of May and June last, that it had been the desire and endeavour of the Governor and Commander-in-chief, as soon as Hintza had been subdued, and his submission secured by the treaty of the 30th of April, to invite and prepare the way for that of the other hostile tribes, and so to put a stop to the effusion of blood, and to spare them the further chastisement which their treacherous and ferocious conduct towards the colony had but too justly deserved.

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These endeavours, afterwards renewed whenever an occasion presented itself, were all along frustrated by the obstinate perseverance of the chiefs, who, under the influence of evil counsellors, and latterly encouraged, doubtless, by a knowledge of the opinions in their favour so industriously and recklessly disseminated within the colony, still protracted the struggle in the fastnesses of the country into which they had retired, and so prolonged the sufferings which they had brought upon their people.

At length, however, in the earlier part of the last month, their eyes began to be opened to the true nature of their position, and they became aware of the hopelessness of continuing the contest, as they every day felt the increasing power of the posts of occupation, which every where overlooked, coerced and restrained them.

Of this altered feeling, upon the part of the Caffres, the Governor and Commander-in-chief, who had received due intimation of its existence, did not fail to avail himself; and he again caused them to be advised to put a stop to their sufferings by submission, to which the door was not even yet closed.

From all these causes it appears to have resulted, that in the middle of last month, during the successful progress of a combined operation upon their strong holds in the Amatola, by detachments under Major Cox, from the posts of occupation at King William's Town, and the forts Beresford, Cox and Armstrong respectively, a messenger was sent in from the chiefs Macomo and Tyalie, of the tribe of Gaika, to sue for mercy and peace.

In the anticipation that some such an overture might soon be made, the Governor and Commander-in-chief had confidentially entrusted the officer conducting these operations to receive it, even at the eleventh hour, however it might involve a sacrifice of military advantage; and, to the honour of the officers and troops be it recorded, that although, when this Caffre messenger presented himself, they were in the full tide of success, the savages flying before them in all directions, and a considerable body of the latter hemmed in and at their mercy, the pursuit was instantly stopped, the sword everywhere sheathed, and the prostrate enemy spared.

The details of these events will be found in the General Order annexed, No. 1.

This cessation of hostilities was followed by several conferences between the Caffre chiefs and officers appointed for that purpose by the Governor and Commander-in-chief, in which the chiefs earnestly supplicated for peace, expressed great contrition for their conduct towards the colony, confessed their utter helplessness to continue the war, placed themselves at the Governor's mercy, agreed to give up their fire-arms, and made it their earnest petition to become subjects of His Majesty the King of England; whose right to the country conquered in the late campaign, and taken possession of by the Proclamation of the 10th of May last, they acknowledged, and to whom they promised to bear true and faithful allegiance, living under the English laws, to be friends to His Majesty's friends and to fight against his enemies; professing their readiness to be placed, as to their future residence, wherever the Governor might appoint; but withal, earnestly beseeching that they might not be removed from their native hills, but be allowed to remain there, under whatever restrictions the Governor might think fit to impose.

These preliminary overtures having been favourably entertained by the officers at the conferences, according to the instructions which they had received in that regard, the chiefs agreed to meet the Governor at Fort Willshire, for the final adjustment of a corresponding treaty, whither they repaired on the 11th instant, and were presented to the Governor accordingly, and where treaties upon the above basis were speedily prepared, and were to have been ratified on the 13th, but that in the meantime the Governor and Commander-in-chief had received reports that several bands of Caffres, in breach of the truce, were making inroads within the old border line, plundering cattle, and having, in one or two instances, murdered the cattle-herds; he therefore called the chiefs before him, and told them that the treaties must break off and the war be renewed, unless these atrocities were promptly put a stop to; that, for this purpose, he would dismiss them to return to their tribes, where he recommended them (if they wished for peace and mercy) to take the most energetic and effectual measures for recalling their people from these inroads, for which object he would allow them three days. If they faithfully fulfilled it, he would then proceed to the conclusion of the treaties now broken off; but, in failure of it, he would instantly attack them, and carry on the war to the last extremity, and until they should be utterly rooted out of the country.

The chiefs immediately proceeded to their respective tribes for the purpose enjoined, and returned to Fort Willshire on the morning of the 17th, when the Governor, having reason to be satisfied that they had faithfully done their utmost to recal their straggling people, and to stop the marauding for which they had been sent away, concluded with them the treaties as above published; to be finally and fully ratified by the commissioners, as therein set forth, when they shall have been satisfied of the due fulfilment of the conditions prescribed by their 3d and 4th articles.

The peace, thus concluded, was announced to the troops by the General Order annexed, No. 2, and the chiefs returned to their tribes, whither the respective commissioners will immediately

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diately proceed, to arrange their locations in the allotted districts, and to carry into effect all the necessary details connected with that settlement.

Now will be tried, and upon the only basis which could ever have offered the most distant prospect of success, (that, namely, of placing these people, as His Majesty's subjects, under the power of the British laws, and upon lands granted to them by His Majesty,) the great experiment of gradually introducing among them the habits and obligations of civilized life, and a sense of the sacred duties of religion.

The Commander-in-chief would in vain attempt to express the sentiments of approbation and sincere regard which he entertains for the officers and troops, of all descriptions, of this army, by whom the above results have been achieved. Suffice it here to say, that they have continued to the end of the war, as through its whole progress, to set a splendid example of discipline, patience and persevering valour, accompanied by the most humane forbearance towards the enemy, and have faithfully done their duty to their King and country.

By command of his Excellency the Governor,

Graham's Town,
23 September 1835.

(signed) *William Smith*,
Acting Gov. Sec. in attendance.

No. 1.

GENERAL ORDERS.

Head Quarters, Graham's Town, 24th August 1835.

The Commander-in-chief rejoices in announcing to the troops the progress and results of a very brilliant and successful series of operations under the command of Major Cox, in the mountains of the Chumie, Amatola and Keishkamma: the skilful ordering of these, the high discipline and judgment with which they were carried through, and the merciful forbearance towards the enemy which mark their conclusion, are alike excellent, and deserve the highest praise.

Towards the end of the last and the beginning of the present month, the mountain Caffres of the chiefs Tyalie and Macomo, and their immediate adherents, emboldened probably by some partial advantages over one or two small detachments of the colonial troops (not at all gained by any prowess on the part of the enemy, but solely arising from some unforeseen and unfortunate contingencies), and excited, as there is but too much reason to suppose, to a renewed and ultimate struggle by a knowledge of the dangerous doctrines in their favour recently disseminated within the colony, had re-assembled in considerable force, and even ventured upon inroads along the old colonial border, carrying off some cattle from the Fingoes on the one side, and from the farmers of the Kat River on the other.

At once to chastise the presumption of these savages, and to clear the border-line from their annoyance, Colonel Smith had, on the 11th instant, reinforced Major Cox on the upper Keishkamma, transmitting to him very judicious instructions for his guidance in the general object of movement, but leaving the details to his own well-proved soldiership; while, on the 9th instant, Captain Armstrong, commanding the northern sub-district of Albany and Somerset, had with corresponding views sent out from Camp Adelaide a detachment of provisional troops, under Captain Alexander of the Beaufort Levy, who, having penetrated into the Chumie glens, was ultimately directed to join Major Cox's division.

Hence proceeded the operations and results, detailed in the following interesting reports from Major Cox and Captain Alexander respectively, with such clearness and precision, that the events they record can be in no other words so well related, and they are therefore here transcribed for the information and example of the officers and soldiers of this army.

Sir,

Fort Cox, 15 August 1835.

I have the honour to inform you, that I could not move the force placed under me by your order of the 11th instant until the night of the 13th, in consequence of the Kat River people and Beaufort Levy not arriving here until the evening of the 12th, and who from being out four days required one day's rest.

Captain Alexander, who commanded this force of 200 men, had the good fortune to bring the enemy partially to action (on his way to my camp) at the head of the Amatola, and killed 13 of them and wounded several others badly, eight of whom died that night.

I moved in three columns from this place on the night of the 13th: the left column, under Captain Alexander, I sent by the head of the Amatola to move down into the valley of the Temaka; I moved with the centre column myself over the eastern heights of the Amatola, while I detached Major M'Lean, 72d regiment, down by the Missionary School, to move up by the Temaka River at its confluence with the Keishkamma.

These operations were so far successful that 19 of the enemy were killed before he could escape from us; this loss was principally inflicted by Captain Alexander's column, who, with the Beaufort Levy and Kat River people, behaved in the most spirited and gallant manner, causing the enemy a loss of 40 killed and several wounded of the enemy.

I had received a confidential communication from his Excellency the Commander-in-chief, by Captain Warden of the Cape Mounted Rifles, on the 9th instant, the objects of which I was principally enabled to carry into effect by our successes on the 14th; on the evening of which day one of the Tyalie's oldest heemraden came into my camp on the "Gooloo"; this circumstance led to an interview between the chiefs Macomo, Tyalie, and 100 of their principal men, and Captain Warden and myself, attended by one interpreter and two orderlies; the result of which being in accordance with his Excellency's desires, I ceased hostilities,

lities, and returned to my camp this day, having directed the remainder of the troops to march to their different posts at Fort Beresford and King William's Town.

Captain Warden leaves this to-morrow morning for Graham's Town, and will make his Excellency acquainted with everything connected with these recent operations, and the results attending them.

I have the honour to be, &c.

(signed) *W. Cox*, 75th Reg.

To the Hon. Colonel Smith, c. b.
commanding the Province of Queen Adelaide.

No. 9.

Sir B. D'Urban
to Lord Glenelg,
7 November 1835.

Encl. 5, in No. 9.

Sir,

Fort Armstrong, 17 August 1835.

I have the honour to report, in pursuance of your instructions: I marched from Fort Armstrong the night of the 9th instant, with 160 of the Kat River people and 25 of the Beaufort Levy, and halted the same night at Chumie; having sent out a party of observation, and having ascertained that there were many fires of the enemy in the direction of the Chumie Hoek and the Amatola, I divided my force, directing Field-cornet Piet Campher to proceed by Eland's River; with the other half of my patrol I entered the following morning, at four o'clock A. M., Chumie Hoek, where I joined Piet Campher's patrol. We killed one Caffre, captured a few goats, one horse, and burnt many huts.

This day I was joined by 70 Fingoes, whom you had ordered to my assistance from Block Drift; I then made a similar division of my force, and entered the Amatola Bush in two divisions, at three o'clock A. M. in the morning of the 11th instant; we found the enemy in large bodies, but on our approach they flew rapidly with their cattle, and being closely pursued they stabbed a considerable number of them, at least 80 head.

In consequence of the intricacy of the bush, and the craftiness of the enemy, I found great difficulty in coming within musket shot of them. Having driven the enemy before me in every direction, and having concentrated my force, I sent on a decoy party of the Fingoes, and a few of the Kat River people: they were immediately attacked by a strong force of the enemy, and Macomo, with a strong body, made a disposition to surround them. The main body of my force were at this time concealed, and I had given orders to the decoy party, when attacked, to make a precipitate retreat, which they did: they followed the Fingoes vigorously, and there were at least 150 of the enemy with fire-arms; they kept up a heavy fire, but fortunately none of them took effect; Macomo was distinctly seen mounted on a white horse. Having got the enemy out of bush, and upon an open plain, I rushed upon them with my whole force, and upon this occasion killed 20, besides wounding a very considerable number; they again fled in every direction. Major Cox having heard our firing, sent an express to order me to join him, which I did on the following morning, the 12th instant: my men being fatigued, I was obliged to halt the 13th at Fort Cox; on the 14th, at one o'clock A. M., I marched with my whole force, and by Major Cox's orders again entered the Amatola. At three o'clock I came upon the fires of the enemy, and killed 11 of them, besides wounding several: they again made a speedy retreat into the Temaka, and I was so fortunate as completely to hem in an immense body of the enemy, in such a position, from the nature of a precipitous range of rocky ledge, that they could not retreat further.

The situation of the enemy was hopeless, and they appeared totally dismayed; a Caffre was sent to me to endeavour to hold a parley with me; I ceased hostilities, having been instructed by Major Cox to listen to any overture on the part of the enemy, and having confronted the Caffre messenger, was happy to find he was instructed by the Caffre chiefs to sue for mercy and peace.

The messenger was one of Tyalie's heemraden; I brought him to Major Cox's encampment, and having, I trust, performed my duty to the satisfaction of Major Cox and yourself, I returned to Fort Armstrong the morning of the 16th instant.

I captured altogether 50 head of cattle, 10 horses and 60 goats.

I have, &c.

(signed) *W. Alexander*, Captain,
Beaufort Levy.

To Captain Armstrong,
District of Queen Adelaide.

The Commander-in-chief returns his thanks to Major Cox for this new and excellent service, in addition to the many which he has previously performed.

To Major McLean, also to Captain Alexander, whose dispositions and movements were strikingly able, and to all the officers and soldiers employed in this successful enterprise, in which arrangements of admirable-professional skill have been happily combined with an execution of determined and irresistible energy, and have concluded in results of the greatest importance.

A provisional cessation of hostilities with the Caffre tribes above described having ensued, that cessation will be carefully observed by all the troops who are or may be in their neighbourhood; but officers commanding corps, posts and detachments, will see the necessity of observing the most careful discipline in all regards; nor will they permit any Caffre to approach them, so that while they carefully abstain from any breach of the truce themselves, they will be vigilantly guarded against any aggressions upon the part of the enemy, and unceasingly prepared to repel it.

(signed) *A. A. O'Reilly*, Major,
Act. Dep. Adj. Gen.

No. 9.

Sir B. D'Urban
to Lord Glenelg,
7 November 1835.

No. 2.

GENERAL ORDERS.

Head Quarters, Fort Willshire, 18 September 1835.

Encl. 5, in No. 9.

THE Commander-in-chief announces to the troops, that peace has been concluded with the hitherto hostile tribes of Macomo, Tyalie, Bothma, Eno and T'Slambie, who, at their earnest supplication, have been received by the Governor and Commander-in-chief, in the name of the King, as subjects of His Majesty, in the province of Queen Adelaide, and hostilities with these tribes will henceforth cease accordingly.

The officers and soldiers are, however, requested to bear in mind, that there is no period when strict discipline, alertness of posts, videttes and sentries, and constant vigilance, are more requisite than at the commencement of a peace; and of all these points, therefore, they will be extremely observant. Hence also, all officers will be careful not to quit their respective posts without having first obtained the express sanction of Colonel Smith, commanding the district.

It has been an express condition of the treaty concluded with the Caffre chiefs, that none of their people are to enter the old colonial border; therefore, all officers commanding posts along the line of the Keishkamma, Chumie, and Kat Rivers, will send back to the district of Queen Adelaide every Caffre attempting to pass inwards, unless he be furnished with a pass from one or other of the following commissioners, appointed for the regulation of the affairs of these tribes; viz. the Hon. Colonel Smith, c. b.; Lieut.-Col. England, 75th Regiment; Lieut.-Col. Peddie, k. h., 72d Regiment; Rev. W. Chalmers; Rev. W. B. Boyce; Captain Stretch and Captain Rawstone, Provisional Companies, 75th Regiment; Richard Southey, esq., late Captain of Guides; James Kidd, esq.; and even with such passes Caffres are not to be allowed to enter unless they be also unarmed.

Hostilities having thus ceased with the tribes aforesaid, peace will be faithfully kept with them accordingly throughout the province of Queen Adelaide; but this in no degree applies to the Caffre robbers within the old colonial border, who, if they are found still pursuing their nefarious trade of murder, or stealing cattle or other property, are to be dealt with as at present, by the troops within the border; and as these men have been everywhere ordered by their own chiefs to withdraw to their respective tribes, and to cease all further inroads, if they are still found in the perpetration of such outrages they have all the less excuse, and must take the just fate of robbers and marauders.

(By Command,)

(signed) *J. E. Alexander*, Aide-de-Camp.

(Enclosure 6, in No. 9.)

(Confidential.)

Encl. 6, in No. 9.

NOTES upon the Treaties of the 17th September 1835 with the Native Tribes; showing the grounds upon which they have been framed, and the prospects which they may be expected to realize.

IN point of fact, the country having now become a part of the King's dominions, since the Proclamation of the 10th of May last, these are the only terms upon which the conquered tribes can be received and suffered to continue in it; and are in conformity with those held out to them in the Governor's overtures of the 12th of May, (published in one of the Notices of the period,) but with a little extension as to numbers so to be entertained, arising from the supplication of these people now, their expressed contrition, the professions, and their (however justly-deserved) sufferings; the terms, in short, of becoming His Majesty's subjects, settled, by His Royal grace and favour, in a portion of the land conquered from them, (of which meanwhile large tracts are still left vacant for the occupation and speculations of Europeans,) instead of expelling them altogether to seek a more distant home beyond the Kye, (the only alternative, and one probably involving much additional bloodshed,) whence they would not have the less returned by the woods and mountain-paths which they know, and in desultory parties to plunder the farmers of the colonial border, while they would themselves have been comparatively intangible.

Now, for good or evil, more or less of one or the other, they are the King's subjects; will speedily be arranged and classed under a known and certain census, distributed into family locations, under magistrates duly appointed by the Governor, subject to his authority, and to be dismissed, if failing within duty, at his pleasure; the subordinates selected from their own body, and armed with legal powers for the fulfilment of their duties; the superior and superintending ones, English.

Meanwhile their system of clanship, by this very arrangement, will be at once broken up, and its spirit and feeling will be rapidly subdued and forgotten, as the power of the chiefs shall be seen to have ceased and passed away, and the whole will be brought under the power of the general colonial laws, which will be of no difficult enforcement, since the military posts of occupation (the environs of which will soon become villages) are within, around and among their locations; and the military power, therefore, is ever at hand to assist the civil, while the known presence and readiness of the former will duly prevent any attempts to resist the authority of the latter.

Thus alone it must be, if by any means of human device or agency, that these savages
are

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are to be at length (at any rate the rising generation) assimilated with the mass of old colonists; admitting gradually, by the power of legal coercion, judiciously put forth, combined with that of humane persuasion and example, the habits of civilization and industry, with the concomitant blessings of religion and morality; and these doubtless are the only probable means of converting a savage and vexatious enemy into peaceable and useful subjects.

This is an experiment, it is true, but it has never been tried before; it is worth the trying, and must be tried fairly. However, if it should fail (and we must be prepared for some partial "*contretems*," and for the exercise of some patience), we shall still have assumed, and secured, a stronger attitude by the arrangements now made, and by the immediate surveillance and magisterial power drawn around the several component bodies of the Caffre nation, and the means will be ever at hand to subdue any serious resistance in detail, by the united application of the civil and military authority.

Finally, it results, unquestionably, that if this experiment should, after a fair and firm and patient trial, fail, it is in vain, for the future, to talk of any other relations with these people than the bayonet's point; and if such relations, which God forbid, should, at length be forced upon us, we shall have the consolation of feeling that no endeavour which could be devised will have been omitted on our part to avoid them.

If, however, the experiment should succeed, there must yet, in the very nature of things, be expected for a time a sort of "*bellum in pace*" upon the border. For giving the Caffre chiefs credit for all sincerity, (and perhaps their recent sufferings and apprehensions, and their desire to avert a renewal of them, may have made them for the moment sincere,) yet their power to recall and restrain their people from rapine, is far less than it was to excite and send them forth, inasmuch as the one command accords with the savage's wish, and the other thwarts it.

But these unavoidable present disorders will, if the system now to be attempted prospers, cease by degrees, under the exercise of energetic pursuit and chastisement of the robbers by the authorities and farmers within the old border, combined with that of a firm and decided demonstration of the power held by the government over the leading men of the tribes now become English subjects without it, as duly provided for in the treaties; and hence there is at length a reasonable prospect of getting rid of the intolerable pillage which had for years before the late war impoverished the frontier farmers, and which, it is well known, had so long set all endeavours to abate it at defiance, that the cure of it was justly regarded as hopeless.

There is another object which this new order of arrangement will advantageously effect, of minor consideration, perhaps, to those main and leading ones which have been above adverted to, but yet of no inconsiderable importance, and this is, the revival, under much more solid and favourable auspices than it has ever yet enjoyed, of the trade with the native tribes, which instead of, as heretofore, being carried on by desultory adventures, sometimes of doubtful character, under no efficient control as to their actions, and ever at the mercy and caprice of the Caffre chiefs and their satellites, in a state of insecurity of property and of personal danger, will henceforth be conducted at once in safety and with good order, under the protecting and duly regulating power of the authorities in the new province.

Fort Willshire, 17 September 1835.

(signed) B. D.

(Enclosure 7, in No. 9.)

(Confidential.)

MEMORANDUM.

THIS copy of confidential notes upon the recent treaties now in their course of completion and fulfilment, has been prepared and is transmitted for the more perfect information of Colonel Smith, who will be so good to have the whole scope and intention of the general design in view, in all his proceedings with the King's new subjects, in the district of his command.

Encl. 7, in No. 9.

Accordingly, he will not fail to be aware, that the full and ultimate result must be expected and effected by the gradual and gentle process of the measures involved in it, by which the chiefs will at length find, before they are aware of it, their supreme power dissipated and divided, and themselves reduced to the more wholesome position of subordinate magistrates (or field-cornets) acting under prescribed rules and limits, and the subjection and superintendence of due and salutary authority; and their tribes under the regular operation of the general laws.

That this conclusion, however, should effectually work itself out, it is necessary that they be not startled in the outset, or their eyes opened to the future consequences of the process, until by its advancing force, when they do at length discover all its influence, they shall no longer have any power to be effectually restive.

Hence it is important to go on gently, leaving the machine to its own gradual workings, and not affrighting them by denunciations against crimes, or the visitations they are to incur under the laws of their new sovereign; but letting things for the present proceed smoothly, and in due time and when all is ready, the laws will assert their own sway, and be efficiently felt, when they can no longer be resisted or evaded.

(signed) B. D.

No. 9.

(Enclosure 8, in No. 9.)

Sir B. D'Urban
to Lord Glenelg,
7 November 1835.

TREATY of AGREEMENT entered into between His Britannic Majesty's Governor of the Colony of the *Cape of Good Hope*, on the one part, and the Chiefs *Pato*, *Kama* and *Cobus*, sons of *Congo*, on the other.

Encl. 8, in No. 9.

THESE chiefs collectively, as one family, and each individually, and independently for his own respective branch of it, having expressed their earnest desire to become subjects of the King of England, and to live henceforth under the authority and protection of the English laws within His Majesty's aforesaid colony; and His Majesty's Governor of the said colony, satisfied of their good and faithful conduct towards it for a long time past, and especially during the present war between it and other native tribes, having, in the name of the King his master, acceded to their desire, the following articles of treaty are hereby mutually agreed on between the aforesaid contracting parties, and concluded and ratified accordingly.

Pato, *Kama* and *Cobus*, all of them in the name of the whole of their tribe, and each for himself and his family separately, solemnly promise and engage to be true and faithful subjects of His Majesty the King of England; to be friends to His Majesty's friends, and enemies to his enemies; to obey the commands of His Majesty's Governor, and the duly constituted colonial authorities; and to live in submission to the general laws of the colony. The Governor and the laws, at the same time, extending to them the same protection and security as to the other subjects of His Majesty.

2. To the penalties of which laws these chiefs, their tribe and families, hereby become alike amenable if they break them; and they are aware that these laws inflict severe punishments, and even death itself, upon those who commit the crimes of murder, rape, setting houses or property on fire, personal injury by violence to any fellow-subject, and theft, whether of cattle or other property. And such penalties will be equally incurred for the commission of these crimes by any members of the tribe against each other as against other inhabitants of the colony.

And the aforesaid chiefs clearly understand that proceedings against any one, within or without their tribe, for the pretended offence of witchcraft, are peremptorily forbidden by the above cited laws, and will be severely punished accordingly.

At the same time they understand, and it is a part of this agreement, that the said laws do not, and will not, otherwise interfere with their domestic and internal regulations for their tribe and families, nor with their customs, in so far as they do not involve a breach of the said laws; the exercise of these remaining free to them as at present, so long as they may desire to retain them.

3. All this well understood, the Governor, upon his part, promises to afford, in favour of the aforesaid chiefs, their tribe and families, all due protection and support for the maintenance of their rights, their property, their security and welfare, equally with the other subjects of His Majesty.

4. And in the name of the King, the Governor hereby assigns to each of the aforesaid chiefs, and their respective families, a just proportion, to be determined by the Commissioners appointed as hereinafter set forth, for their location, establishment and regulation, and in accordance with the amount of the population of each, of the tract of country * a, b, c, d, in the annexed sketch A., extending from the Great Fish River on the west, to the Buffalo on the east, and bounded on the south by the sea, and on the north by a line running from the Caffre Drift ford of the Fish River to the ford of the Beka, above Congo's kraal, where the upper (northernmost) Wesleyville waggon road crosses that river; thence up the left or east side of that river to the foot of the woody mount, called by the Caffres *Quelikaquash*, and from the same side of the aforesaid river, in a direct line about E. S. E. by compass to the Wesleyville waggon road, where it passes the head of a rivulet called by the Caffres *Inyetwa*; thence to the ford where the same road crosses the *Keishkamma* below the confluence of the *Deebie*; thence in a straight line passing to the north of the source of the *Kalana Rivulet*, along the ridge called "*Habanna*," by the waggon road ford over the *Chalumna*, between *Wesleyville* and *Mount Coke*; thence to the ford of the Buffalo, at the old trading station of "*Ford*;" and thence down the right bank of the Buffalo to the sea;

With the reservation of such spots for roads, outspan places, places of worship, residences for ministers of the Gospel, magistracies, military stations, and other public services as the Governor may, from time to time, find it necessary to occupy, as well for the general benefit of the colony as for the particular benefit of the aforesaid chiefs and their families;

And reserving also the ground already granted by His Majesty to several British subjects, designated by the name of *Frederickburg*, on the River *Gualana*, as set forth in the accompanying sketch B.; and a certain narrow portion of land on the left bank of the Fish River, extending three miles eastward from its mouth; thence to and along the road along the first ridge east of the river leading from the Ferry to the Caffre Drift road, as marked e, f, g, A, on the annexed plan A. Over these reservations, however, the cattle of the aforesaid families may graze until they shall be occupied by their proprietors, and even afterwards have free access to the Fish River between the points h. and A.

5. And each of the above chiefs shall, in token of fealty to the King of England, and in acknowledgment of holding his lands as aforesaid under His Majesty's Sovereignty, cause to be delivered to such officer or officers as the Governor shall appoint on behalf of His Majesty, one fat ox in the course of the first month of every year; in failure of which condition he will forfeit his said lands, unless they be granted anew by the Governor.

6. Ministers

* The country marked W, X, Y, Z, in the sketch, Encl. No. 9 of the despatch of the 7th Nov. 1835.

Note.

A to B New Eastern Boundary of the Colony
by Proclamation on the Kye of 10th May 1835;
Reproclaimed within the Old Colonial Territory
on the 16th of June following.

B. C. D. E. New North Eastern Boundary
by Proclamation of the 14th October 1835.
Signed *H.D.*



W X Y Z Location of the family J Congo, Via, Pato,
Kama, and Cobus, by the Settlement of 17th September 1835.

Enclosure N^o 9

SKETCH MAP

of part of the Colony of

THE CAPE OF GOOD HOPE,

Shewing the extent of the Kafir Invasion of the
Old Colony in 1834 - 35; and the Territory acquired
by the operations of the latter Year.

Note. The part of this Map which is shaded and marked
with assegues, shews the extent of the Invasion which
covered the Country with Blood and Ashes; and the
unshaded part to the Eastward of the Keiskamma
and Winterberg up to the line A.B.C.D.E. of the
Kye, the Stormberg and the Kraai, shews the Terri-
tory added to the Colony, as a security against a
recurrence of such disaster for the future.

Scale — Graham's Town to Port. Elizabeth, 100 Miles

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6. Ministers of the Gospel, and where the Governor may think fit, English magistrates, vested with due powers, will be appointed in the respective locations. And it is hereby concluded and agreed on by the said chiefs, Pato, Kama and Cobus, that they shall act as magistrates of the colony, each in his own location, if required so to do by the Governor, and under such titles and instructions as by him shall be determined; and that they shall not harbour, nor suffer to be harboured, within their respective locations, any person or persons of other tribes, or of their own, who have been in hostility against the colony, without the special consent of the Governor first obtained to that effect; but shall immediately cause such person or persons to be expelled from their said respective locations, Pato, Kama and Cobus being responsible for the due performance of this condition, each in his own location.

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to Lord Glenelg,
7 November 1835.
Encl. 8, in No. 9.

7. And it is hereby concluded and agreed on, that the said chiefs, in their respective locations, shall all and each of them prevent by every means in their power the inroads into the colony of robbers to steal cattle; and shall, in the case of any cattle so stolen being brought into their respective locations, seize and deliver it securely to the nearest colonial authority; well understood that the Governor will justly hold that chief responsible for restoring stolen colonial cattle into whose location it shall have been traced.

8. The Governor having appointed a commission, consisting of the Rev. W. Shepstone, Walter Currie, esq. J. P., W. Bowker, esq., and Captain Forbes, the said Commissioners are duly authorized to conclude this treaty of agreement in his name; to receive and duly record upon this document the accession and agreement of the chiefs Pato, Kama and Cobus thereto; and to locate and place each chief in possession of his allotted location, and within his appropriate boundary, accordingly.

9. When all the above arrangements shall have been duly carried into effect, the Governor will appoint an agent for the government, to reside near the locations; with whom the chiefs will communicate, whenever they may desire it, for the information of the Governor, of whose communications to them he will also be the accredited organ.

10. For the present, and until the Governor may judge it safe and beneficial, as well for the old colonists as for His Majesty's new subjects, hereby admitted under the protection of his government, none of these last, whether of the families of Pato, Kama or Cobus, can be allowed to pass to the right bank of the Fish River without a border pass signed by one of the Commissioners, now, or by the agent when he shall have been appointed; and even then they must be unarmed; a departure from this condition will expose the individuals so infringing it to the danger of being shot, and therefore its exact observance is especially enjoined.

Given under my hand and seal at Graham's Town, this 6th day of Sept. 1835.

(signed) B. D'Urban, Governor,
and Commander-in-Chief of the Colony of the Cape of Good Hope.

Beka, 17th day of September 1835.

(signed) { Pato, x his mark,
Kama, x his mark,
Cobus, x his mark, } Sons of Congo.

We certify that the foregoing treaty was this day carefully read and explained to the chiefs Pato, Kama and Cobus, and explicitly agreed to and ratified at the Beka, this 17th day of September 1835.

(signed) { W. Shepstone,
W. Currie,
W. M. Bowker, } Commissioners.

I certify that the foregoing treaty has been carefully interpreted to the chiefs Pato, Kama and Cobus, and that they fully understood and assented to it.

Beka, 17 September 1835.

(signed) Joseph Walker,
Sworn Interpreter to the Commissioners.

(Enclosure 9, in No. 9.)

SKETCH MAP of part of the Colony of the Cape of Good Hope; showing the Extent of the Caffre Invasion of the Old Colony in 1834-35, and the Territory acquired by the operations of the latter years.

Encl. 9, in No. 9.

(Enclosure 10, in No. 9.)

PROCLAMATION

By his Excellency Major-general Sir Benjamin D'Urban, Knight Commander of the Most Honourable Military Order of the Bath, of the Royal Guelphic Order of Hanover, and of the Royal Portuguese Military Order of the Tower and Sword, Colonel of His Majesty's 51st Regiment of Foot, Governor and Commander-in-chief of His Majesty's Castle, Town and Settlement of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice-Admiral of the same, Commanding the Forces, &c. &c. &c.

Encl. 10, in No. 9.

WHEREAS by my Proclamation, issued at Graham's Town, on the 16th day of the month of June last, the eastern boundary of the colony of the Cape of Good Hope was declared to

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to Lord Glenelg,
7 November 1835.

be—a line commencing at the source of the Kye River, in the Stormberg Mountains, and thence along that river to the sea.

And whereas it is expedient and necessary more precisely to define the north-eastern boundary of the colony, as corresponding therewith: I do hereby proclaim and declare the said north-eastern boundary to be—a line drawn from the aforesaid source of the Kye River, in the Stormberg range of mountains, to the source of the Kraai River, on the northern side of the same range of mountains; thence down the left bank of the Kraai, to its confluence with the Orange River; and thence down the latter until it joins the Stormberg River, hitherto the boundary of the colony.

God save the King!

Given under my hand and seal, at Graham's Town, this 14th day of October 1835.

(signed) *B. D'Urban*, (L.S.)

By Command of his Excellency the Governor,

(signed) *William Smith*,
Acting Govt. Secty. in attendance.

(Enclosure 11, in No. 9.)

CIRCULAR.

Sir,

Graham's Town, 28 September 1835.

THE colony of the Cape of Good Hope is, I believe, the only one of His Majesty's colonial dominions without a local militia for the mutual defence and protection of the inhabitants, as well against insurrections within the colony as invasion from without.

If at any time it would have been superfluous to insist upon the self-evident necessity of such an establishment, it must be more than ever so now, when recent calamities have irresistibly demonstrated the wisdom of adopting a system of internal protection which may guard against their future recurrence.

Such a system it is at once my duty and my purpose to organize and carry into effect.

The appropriate time has arrived for its institution, and I am therefore to request you will be so good, without any delay, as to collect, from the different field-cornetcies in your district, nominal returns of their respective male inhabitants between the ages of 16 and 55, distinguishing those who are in a condition to serve on horseback from those who can only serve on foot, with the arms which each possesses; and of the different points in each field-cornetcy where they can be most speedily and conveniently assembled (with relation to the distribution of their respective residences), in small bodies in the first instance, afterwards to be united into a larger if necessary, as the case may demand. I will also request you will in like manner ascertain the most convenient points in each field-cornetcy for the establishing of one or more public kraals, to be substantially constructed for the temporary reception and security of the cattle of the surrounding country, whenever it may be necessary so to secure it.

Upon these main and essential points I am anxious to receive your report at as early a period as you may be enabled to prepare it; and you will much oblige me by adding to it any observations which your judgment and local experience may suggest, and which may assist me in digesting and giving a practical shape (thereafter to be duly enacted in an ordinance) to the details of a measure of such vital importance to the colony.

I have, &c.

(signed) *B. D'Urban*.

To the several Civil Commissioners and Assistant Civil Commissioners.

(Enclosure 12, in No. 9.)

Encl. 12, in No. 9.

THESE, and copies of these in the Dutch language, were distributed largely among the inhabitants of the Frontier Districts.

On the means of Defending Farm-houses.

The following observations, containing easy, cheap, and effective methods of defending farm-houses against savages and other robbers, are most earnestly recommended by the Governor and Commander-in-chief to the attention and observance of all the frontier farmers.

By his Excellency's command,

Graham's Town, 13th August 1835.

W. Smith,
Acting Govt. Sec. in attendance.

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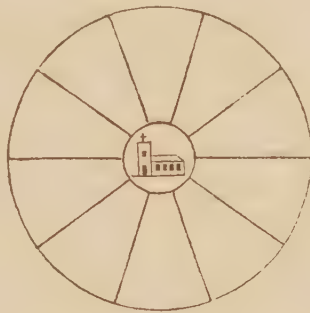
ON the occasion of the late Caffre irruption, it appears that the settlers on the eastern frontier were completely taken by surprise; none of them having ever made any preparations for defending their dwellings against a sudden incursion of an active enemy. Yet such precautions are ever necessary in countries so situated, and were accordingly observed, at no distant date, by the British settlers in America, and also by the Dutch farmers in South Africa.

After the dearly-bought experience of the impropriety of constructing dwellings, in the neighbourhood of savages, with no better means of defending them than is to be found in farm-houses in the mother country, it behoves the settlers of Albany and Somerset to pay some attention to the various simple means, attended with small expense, which will enable a few resolute men to defend themselves for a considerable time against a multitude, whether civilized or barbarian. The means for doing this are at hand everywhere, and doubtless their application has only to be pointed out to be readily adopted.

While the government establishes additional posts, and provides a more suitable force than formerly for the defence of the frontier, it is not unreasonable to expect, and self interest must assuredly dictate, that the colonists will also assist to defend their own property by fortifying their houses in a simple manner. They will thus lessen the probability of another irruption, by showing the savages that they are not slumbering, as hitherto, in fancied security, but are prepared to repel treacherous and unprovoked aggressions; and let the frontier be where it may, such measures are indispensable to security, since a small party of savages, yet quite adequate to the plunder and murder of a family, may, in such a country, at any time, penetrate many miles beyond any given frontier line.

The following are among the simple, cheap, and ready modes of defensive building above adverted to:

After the French acquired Canada, their system of defence against the Indians was an easy and a most effectual one. A fortified church was placed in the centre of a small district (*see diagram subjoined*), and from it the farms radiated. When the Indians attacked any part of the location, the alarm bell was rung; the settlers immediately repaired to their rallying point, the church; from whence in a body, they were able to act with effect on the enemy.



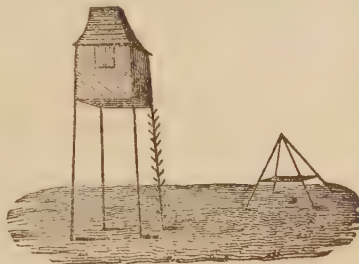
For houses already built (*see sketch*), the addition of a porch on the front and back would give a destructive raking fire along the principal walls; while the windows of the ground-floor in the gables, being blocked up, and one left open above, would enable all parts of the exterior to be defended without exposing the defenders. As houses are now built on the frontier, the inmates are obliged to go outside to fire with any effect, thus exposing themselves to great personal and unnecessary risk.



To secure the roof against the fire-brand is an important point. Thatch ought never to be used on the frontier, if tiles, or Caffreboom shingles, can be obtained. There is also abundance of zinc in the colony; a roof covered with plates of this metal is not expensive, (in a town it is even less so than thatch,) and cannot be set on fire. The difference of insurance is also to be noted; for zinc roofs 2 s. 6 d. per cent. is charged, for thatch 15 s.

If sod walls, six feet high, were to be built round farm-houses, and at a little distance from them, with an interior step to enable one to fire over the wall, and an exterior ditch all round, farms would be rendered as secure as military field works usually are.

For a cattle kraal, not liable to be set on fire, a raised pulpit or sentry-box (*see sketch*) in the centre, or at the gate of the kraal, is the best manner of defending it. The raised sentry-box is thus constructed:—Four stout trees are cut to the length of 21 feet, let into the ground, 8 feet apart, and 18 feet above ground. At the height of 12 feet there is a platform of boughs bound to the four posts by thongs of leather: on this one or more sentries stand, defended from the weather by a slight roof, and from bullets or assagais by hide or other side screens.



A useful lesson may be learnt from the Caffres themselves for the defence of kraals. They keep one or more large bundles of dry mountain-grass near their kraals, and when danger is supposed to be near, the bundle is lighted; it burns for a considerable time, throwing a brilliant light for many yards round, and discovers the enemies.

The Cossack look-out houses on the north side of the Caucasus, to observe the approach of an enemy during the day, are merely platforms raised on posts. In this country cattle

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grazing in the field would be tolerably secure, if look-out houses of turf or posts were constructed at different commanding points on a farm, while signals might be made by blowing horns, smoke, &c.

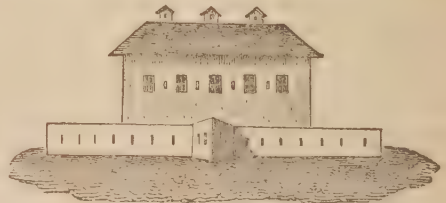
The most economical way for rendering a house defensible is building it on the Spanish plan, that is, of two or more stories, (*see sketch*,) the lower are occupied by horses; access is got to the upper by a wooden stair, which can easily be withdrawn; while a verandah projecting from the first floor gives a vertical fire; thus man and horse are secured under one roof.



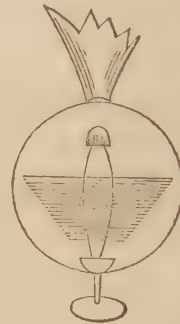
In Persia the mills at a distance from the village are each provided with a tower (*see sketch*) 30 feet high (like one of the ancient peel houses on the borders of England and Scotland). Into this the miller and his men retire when the mill is attacked, and from it are able to fire with effect on the assailants. The tower is generally at a little distance in front of the mill.



The plan of the new "Wellington barrack," (*see sketch*) is excellent; for thus every barrack or house may be made a strong post: between every window is a loop-hole, closed with an inside shutter when not required; a loop-holed wall 10 feet high surrounds the yard, with towers at the angles, or its line so broken as to give a flanking fire. Firing from a window exposes the person; while loop-holes between the windows secure the defenders.



Hand grenades are of great use in defending a dwelling; the best for a farm-house are those on the percussion principle. The grenade is surrounded with strong paper, (*see sketch*) tied, to make it resemble a shuttle cock; it is then filled two-thirds with powder, the orifice is closed with a cork covered with paper; through a hole in the cork (when the grenade is required for use) a nail is introduced, thicker in the middle than at the ends, to prevent its falling out; on the point of the nail is a percussion cap. If the grenade is held up by the ends of the paper and dropped from a window, the head of the nail invariably strikes the ground, whilst the cap inside ignites the powder, and the grenade generally bursts in 15 or 20 pieces. A box of these grenades, or of the common grenades, with fuzes, were recommended for the defence of farms in Ireland, and were found of considerable service.



The bell-mouthed blunderbuss, or a musket loaded with loopers or slugs above the ball, are excellent weapons to be used at the loop holes, and for short distances.

As in India, hedges of aloes and prickly pears might be introduced here, with excellent effect as defences, as they grow readily and cannot be burnt down. A careful night-watch, assisted by dogs, ought never to be dispensed with. With these and other simple means of defence, the enterprising farmers of the frontier will labour in peace, sleep in security, and with the assistance of the regular force, defend their property against all hostile inroads.

Graham's Town, 12th August 1835.

J. E. A.

— No. 10. —

No. 10.

Sir B. D'Urban
to Lord Glenelg,
7 November 1835.

Copy of a DESPATCH from Governor Sir B. D'Urban to Lord Glenelg, supplementary to the preceding Despatch of the 7th Nov. 1835.

My Lord,

Port Elizabeth, 12 November 1835.

UPON looking over again my despatch of the 7th instant, I became aware that I have omitted to mention the location of the Fingo tribes, and of the small separate tribe of the Caffre chief Jan Tzatzoe, who, as well as Pato and his brothers, had abstained from all hostility against the colony.

The

The location of the latter I entrusted to the commissioners for the tribe of T'Slambie, as the country in which Tzatzoe had desired to be placed bordered upon that allotted to the T'Slambies; and an ample location on the right bank of the Buffalo, about its confluence with the Quaqueba, and to his entire satisfaction, has been formally assigned to him accordingly.

That separate family of Fingoes, saved and brought in by Colonel Smith, after the emigration of the main body of their race (*see* Enclosure No. 17 of my despatch of 19th June last), and who had since remained with him on the Buffalo, have also been located there, according to their own desire, where they are useful to the establishment in various ways, and very industrious and well conducted.

The main body of the Fingo race brought out of the country of Hintza, and rescued from slavery in May last (*see* my despatch of the 19th of June, with its Enclosures Nos. 7, 8 and 11,) have been located, in two bodies respectively, their own choice and convenience having been therein consulted, the one on the Clusie, between the Fish River and the Keishkamma, under a commission consisting of the Rev. Messrs. Ayliff and Palmer, Wesleyan mission; J. M. Bowker, Esq., justice of peace; Captain Hallifax and Lieutenant Moultrie, of the 75th Regiment; the other on the right bank of the Chumie, under a commission consisting of the Rev. Mr. Thomson, Captain Armstrong, justice of the peace, and Dr. Minto. They have already tilled and sown their gardens and corn-fields, and many of them have become, and are becoming, hired servants, under contract, throughout the colony.

With reference to my despatch of the 19th June, and especially to that part of it which has relation to the Enclosure No. 16, and with reference also to the treaties in Enclosure No. 5, of that to which this is a supplement, Suta and Sandili, Nonübe and Sewana, Matua and Tinta, and their dependents, have been located to their perfect satisfaction, by the commissioners for the tribes of Gaika and T'Slambie respectively.

I have, &c.

(signed) B. D'Urban.

— (No. 11.) —

COPY of a DESPATCH from Lord *Glenelg* to Governor Sir B. D'Urban,
 dated Downing-street, 17 February 1836.

Sir,

I HAVE received your Despatch, dated 7th November, your Despatch marked "Supplementary" to and dated 12th November, and your Despatch dated 22d October, marked "Miscellaneous," reporting the conclusion of treaties of peace between yourself and the chiefs of the various Caffre tribes, and the termination of the hostilities with those people.

These communications embrace many topics which, on any other occasion, might have been more conveniently discussed in separate Despatches. In the present instance, however, a departure from the established rules of official correspondence was plainly inevitable; and I will therefore advert to the various subjects mentioned in your Despatches, in the order in which they there occur.

1. It is very gratifying to His Majesty to receive your assurance of the continued discipline, zeal and good conduct of His Majesty's officers and troops, who have been serving under your command in the late war with the Caffre tribes.

2. Your release of the chief Bookoo, the uncle of Crieli, from his confinement as a hostage, appears to have been a well-timed and judicious measure.

3. I do not think it convenient to discuss the propriety of the payments which you report yourself to have made for the clothing, the pay, and the gratuities of the Hottentots, and of the burgher force enrolled and serving with your army, until I shall have received that complete and detailed report of all the expenses of the late contest, which it will, of course, have been your first care, on your return to Cape Town, to prepare for the information of the Lords Commissioners of the Treasury: their Lordships await that report with no common anxiety.

4. I cannot advert to the employment of the Hottentots, without apprising you, that a rumour has reached me, that the Moravian missionaries settled at Guaden-thal, and other places in the colony, complain of the very unequal share which the Hottentot members of their congregations have been compelled to bear in the

No. 11.

Lord Glenelg to
Sir B. D'Urban,
7 February 1836.

27th January.
8th February.

burthen of the common defence, leading, as it is asserted, to the depopulation of their villages, the great distress of the women and children, and the interruption of their religious labours, to a far greater extent than in a just apportionment of the duty of military service would have fallen upon them. If in the unavoidable pressure of other topics upon your notice, this should have been overlooked, you will, I am convinced, immediately take the necessary measures for the redress of any such grievance.

5. I transmit to you a copy of a correspondence between this department and the office of the General commanding in chief; from which you will learn that under the peculiar circumstances of the case, I have approved your detention of the 98th Regiment.

6. The basis of the treaties into which you have entered with the Caffre chiefs being the subjection of themselves and their people to His Majesty, the other terms of those treaties scarcely demand a very studious attention. Between the King and his subjects no convention, in the proper sense of the term, can subsist. The rights and the duties incident to that relation must be determined by the general law, and cannot properly be defined by any other rule. But, as you will already have learned, from my Despatch of the 26th December, that His Majesty is not disposed to accept the allegiance of the Caffres, or the dominion of their country, it is the less necessary for me to discuss the effect of these treaties. It remains to be seen what will be their fate; and I regret that His Majesty's ratification of them was not declared essential to their validity.

7. I cannot, however, pass over in entire silence the illustration which these instruments afford of the objections which I have already urged to the annexation of the Caffre territory to the colony under your government. They announce to His Majesty's new subjects that the penalty of death will hereafter follow upon the offences of cattle-stealing, and of setting fire to houses or other property. If this menace was not seriously uttered, it was not judicious. If meant to be carried into effect, it must involve the most alarming consequences. With minds unaccustomed to regard with any moral reprobation such acts as these, and reduced by the casualties of war to a state affording the strongest temptation to perpetrate them, the penalty of death must appear a punishment extreme and utterly disproportionate. The infliction of it upon multitudes is impossible. The selection of few offenders to expiate the crimes of their tribe would bear the appearance of partiality and wrong; and would, by exciting resentment and other passions, tend to a revival of the late disasters. In short, I fear that the Caffres are unripe for those laws to which it is proposed at once to make them amenable.

8. Such, indeed, would seem to be your own conclusion; for I perceive that you intend to frame a distinct code for the government of the Caffres; and in the mean time to leave them under martial law. The plan has not been very fully digested; but I fear that it would be found in practice scarcely possible for the legislature of a civilized country to devise and promulgate a code fit for the government of a barbarous people. If not accommodated to their habits of thought and action, it would be at once unjust and inefficient; and if so accommodated, it must involve a compromise of many principles which we justly regard as sacred.

9. You propose a civil establishment for the newly conquered country, involving an expense of 1,600*l.* per annum. You are, however, silent as to the means of defraying this charge. For the present, and until the arrival of the lieutenant-governor of the eastern districts, not only the decision, but the further discussion of this plan must be suspended.

10. You further suggest an enlargement of the colonial territory on the north-eastern frontier, by embracing within His Majesty's dominions certain lands which you state to be uninhabited. This question must also be postponed until after the lieutenant-governor's arrival. It will then be necessary to consider carefully whether there may not be any prior title to the land by the occasional occupancy of the natives, and whether the probable advantage from this accession of territory is such as to counterbalance the evil of extending the limits of a colony already so inconveniently large.

11. It is stated in your confidential notes of the 17th of September, that in the territory described as Queen Adelaide's, "large tracts are left vacant for the occupation and speculation of Europeans." I cannot too distinctly impress upon you the instruction, that under no circumstances a single grant or licence of occupation be made of any part of this territory in favour of any European. Even if ultimately

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ultimately added to the British dominions, it must be reserved exclusively for the occupancy of the natives.

12. Your proposal for embodying a militia has been anticipated in my Despatch of the 26th of December. There are few subjects which will more deserve your own and the lieutenant-governor's early and serious consideration.

13. The single remaining topic noticed in your Despatches, to which it seems to me necessary to advert, is the summary which you have given of the results of the late war. It is as follows :

"In the course of the Commissioners' progress in the census of the tribes of Gaika and T'Slambie, they have ascertained that their loss during our operations against them has amounted to 4,000 of their warriors or fighting men, and among them many captains. Ours, fortunately, has not in the whole amounted to 100, and of these only two officers. There have been taken from them also, besides the conquest and alienation of their country, about 60,000 head of cattle, almost all their goats, their habitations everywhere destroyed, and their gardens and corn-fields laid waste. They have, therefore, been chastised, not extremely, but sufficiently."

I am bound to record the very deep regret with which I have perused this passage. In a conflict between regular troops and hordes of barbarous men, it is almost a matter of course that there should exist an enormous disproportion between the loss of life on either side. But to consign an entire country to desolation, and a whole people to famine, is an aggravation of the necessary horrors of war, so repugnant to every just feeling, and so totally at variance with the habits of civilized nations, that I should not be justified in receiving such a statement without calling upon you for further explanations. The honour of the British name is deeply interested in obtaining and giving publicity to the proofs that the safety of the King's subjects really demanded so fearful an exercise of the irresistible power of His Majesty's forces.

I have, &c.

(signed) *Glenelg.*

Sir,

Horse Guards, 27 January 1836.

I do myself the honour, by desire of the General commanding in chief, to transmit for the information of Lord Glenelg, the copy of a despatch which I have received from Major-general Sir Benjamin D'Urban, reporting that he has detained the 98th regiment, which the 27th was sent out to relieve; and I am to request that you will be so good as to let me know if Lord Glenelg approves of this measure.

15 November 1835.

The letter announcing the relief of the 98th was dispatched in due course, and ought to have reached the Cape long before the 27th regiment.

I have, &c.

R. W. Hay, Esq., &c. &c. &c.

(signed) *Fitzroy Somerset.*

(Enclosure 1, in No. 11.)

My Lord,

Cape of Good Hope, Port Elizabeth, 15 Nov. 1835.

I HAVE the honour to acknowledge your Lordship's letter of the 8th April, and thereupon I request your reference to my despatch to the Secretary of State, of which a copy was enclosed in my letter to your Lordship of the 7th instant, for the reasons which have compelled me to take upon myself the responsibility of retaining the service companies of the 98th regiment for the present, and until instructions reach me from England.

Encl. 1, in No. 11.

Your Lordship's letter now before me was the first official advertisement which had reached me of the coming of the 27th, and of its being the intention of the General commanding in chief that it should relieve the 98th now at the Cape Town. When it reached me at Fort Willshire on the 18th September, the 27th had already on the 8th arrived at Graham's Town, relieved the 75th there and along the old colonial border, and enabled the latter to join me in advance very seasonably for the service I had then in hand.

Although I had no official, nor indeed any certain, intelligence of the coming of the 27th, yet the newspapers had announced it, and the tenor of my despatches to the Secretary of State of January, February and March (of all which copies had been transmitted to your Lordship) had, as I thought, rendered it possible that a reinforcement might be on its way; therefore as I could not at the period afford to throw a chance away, I had sent orders that if a regiment should arrive at Table or Simon's Bay, it should immediately join me by Algoa Bay, which it did accordingly, as I have already mentioned. And even when I had learned from your Lordship's letter, that this regiment was not at all meant to be a reinforcement, but merely a relief to the 98th, I felt that I was still unable, without compromising the security of the colony, and the interests of His Majesty's service, to spare the 27th from the eastern border, or the 98th from Cape Town; and this paramount duty has compelled me to

No. 11.

Lord Glenelg to
Sir B. D'Urban,
17 February 1836.

Encl. 1, in No. 11.

keep the 27th at Graham's Town, and on the line of which it is the centre, and the 98th at Cape and Simon's Town. But as the duties of the 98th in these latter quarters have long been too severe for its strength, I have availed myself of the apparent prospect of continued tranquillity which the first month of peace has afforded, to send the head quarters and two companies of the 27th to Cape Town; and under this arrangement I trust to be able to await the ultimate instructions which my despatch of the 19th of June to the Secretary of State (of which copies were transmitted to your Lordship for Lord Hill) will probably have elicited.

I hope that in thus retaining a regiment which the General commanding in chief had destined to return to England, his Lordship may be disposed to regard the measure as justified by the circumstances of my position, and to approve it accordingly.

I have, &c.

(signed) *B. D'Urban*, Major-general.

Major-general Lord Fitzroy Somerset, K.C.B., &c. &c. &c.

(Enclosure 2, in No. 11.)

My Lord,

Downing-street, 8 February 1836.

Encl. 2, in No. 11.

I HAVE received and laid before Lord Glenelg your Lordship's letter of the 27th ultimo, enclosing the copy of a despatch which your Lordship had received from Major-general Sir Benjamin D'Urban, reporting that he had detained at the Cape of Good Hope the 98th regiment, which the 27th had been sent out to relieve.

To your Lordship's inquiry whether Lord Glenelg approves of this measure, I am directed by him to return, for the information of the General commanding in chief, the following answer: the reports which, on the 30th ultimo, reached Lord Glenelg from Sir B. D'Urban of the political state of the frontier districts of the colony, and of his own position, at the time when the resolution of detaining the 98th regiment was taken and executed, have convinced his Lordship that the Major-general was justified by the exigency of the occasion in adopting a measure involving so grave a responsibility. In communicating to your Lordship this conclusion, Lord Glenelg desires to be understood as not intending to convey any opinion respecting the wisdom of the various military operations in furtherance or support of which the 98th regiment was detained.

I have, &c.

(signed) *James Stephen*.

Major-general Lord Fitzroy Somerset, K.C.B., &c. &c. &c.

— No. 12. —

No. 12.

Sir B. D'Urban
to Mr. Sec. Hay,
12 November 1835.

COPY of a LETTER, marked private, from Governor Sir *B. D'Urban*, to
Mr. Under Secretary *Hay*.

Sir,

Port Elizabeth, 12 November 1835.

WITH reference to my despatch to you, marked private, of the 4th of September last (of which I enclose duplicate), those which I now transmit to Lord Glenelg will show you that my anticipations have been fulfilled, as to the negotiation with the hostile Caffre chiefs therein adverted to, and that I have concluded peace accordingly.

I now transmit to you three additional addresses to those which I enclosed in September, every community or body of the inhabitants of the colony having thus expressed their concurring opinions of the course which I have felt myself bound to pursue.

I send them to you thus, as I did the others, because, although they are not, perhaps, strictly speaking, documents of a nature sufficiently involving any part of public services to render their communication absolutely necessary, yet, as they mark the public mind upon matters of great importance to all, it appears to me that they ought not to remain unknown to the Secretary of State for the Colonies.

I am convinced that it would be superfluous for me to assure you, that the getting up of these addresses has not been of my seeking; nor, indeed, has it been known to me beforehand, as they have all been prepared when I have been about, and at a distance.

All is going on well in the new province, and, so far as I can see, in the old colony also, making a reasonable allowance for the peculiarity of past and present circumstances.

I have, &c.

(signed) *B. D'Urban*.

To R. W. Hay, Esq., Under Secretary of State.

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(Enclosure 1, in No. 12.)

No. 12.

Sir B. D'Urban
to Mr. Sec. Hay,
12 November 1835

TO his Excellency Major-General Sir *Benjamin D'Urban*, K. C. B., Governor and Commander-in-chief of the Colony of the Cape of Good Hope, &c. &c. &c.

Encl. 1, in No. 12.

Sir,

WE, the undersigned inhabitants of Albany and Somerset, residing along the eastern frontier of this colony, beg leave to approach your Excellency, in order to express the sentiments of unqualified esteem and gratitude with which your conduct has inspired us during the calamities and dangers of the late unfortunate war.

While we feel keenly the trials with which Divine Providence has been pleased to visit us, we cannot but regard it as a cause of thankfulness that we have been favoured with such a Governor at such a time.

We assure your Excellency that we are yielding no constrained homage, but are merely giving utterance to the real feelings of the heart, when we say, that we are deeply sensible of the solicitude which your Excellency has evinced for our welfare, not only in adopting the most efficient measures for repelling the enemy and restoring peace, but also in providing for the support of our destitute and afflicted families; and we regard your Excellency's past conduct as the best pledge that nothing will be wanting on your part to procure for us a just compensation for the losses we have sustained, and for establishing the peace of our frontier on a solid and permanent basis.

We are also thankful to your Excellency for affording us, at all times, easy access to your person, and for the condescension and patience with which you have listened to our representations and complaints, and we trust, that if at any time we have transgressed the limits of decorum, in regard either to the matter or the manner of our applications, you will kindly ascribe it to no intentional disrespect, but merely to ignorance, and the trying circumstances in which we were placed.

We beg leave to embrace this opportunity of just adverting to the great disadvantages under which we have long laboured in regard to the means of education for our children, and of expressing a hope, that when your Excellency shall be relieved from the arduous duties which now necessarily engross your attention, you will take this subject into favourable consideration.

We conclude with expressing our best wishes for your happiness, and with a sincere prayer that your Excellency may long be spared to rule in righteousness over a grateful and obedient people,

We have the honour to be, &c.

(Signed by) *J. P. Dreyer*, Field Commandant.

J. C. Espagh, Field Cornet.

And 42 other Individuals.

(Enclosure 2, in No. 12.)

Swellendam, 10 September 1835.

TO his Excellency Major-General Sir *Benjamin D'Urban*, K. C. B., Governor and Commander-in-chief of the Colony of the Cape of Good Hope, &c. &c. &c.

Encl. 2, in No. 12.

May it please your Excellency,

WE, the undersigned landholders and inhabitants of the district of Swellendam, humbly beg, in accordance with the resolutions unanimously passed at a public meeting held in the Reading-room of this village, on the 5th instant, to convey to your Excellency the sentiments we entertain with respect to the important measures which have lately engaged your Excellency's attention, and to express the gratitude we feel due to your Excellency for the readiness and humane feeling with which, at the expense of so much personal comfort, you immediately proceeded to the scene of danger, for the rescue of the colony and the relief of our fellow-countrymen.

Reflecting on the treacherous inroads of the enemy, and the barbarous cruelty and devastation which everywhere marked their progress in the frontier districts, and at one time seemed to threaten even our own, we consider that prompt and exemplary punishment was demanded; and the combination of wisdom and justice, tempered by mercy, which has so happily been displayed by your Excellency in chastising and repelling the invaders, has not failed to excite our unqualified admiration.

The policy pursued by your Excellency towards the Fingo nation, now rescued by your Excellency from a most debasing thralldom, and towards such of the Caffres as remained faithful to the colony, we humbly deem wise and philanthropic; whilst we fondly trust, that the measures proposed by your Excellency will be the means, under Divine Providence, of promoting the civilization and best interests of these heathen tribes.

Be pleased, Sir, to accept our unfeigned thanks for the obligations under which your Excellency has placed the inhabitants of this colony, by the promptitude and activity with which you have accomplished all these very arduous duties.

Be pleased also to accept the thanks of the inhabitants of this district for your uniform kindness to the individuals who composed the Swellendam contingent, and for your unwearied endeavours to alleviate the hardships to which they had become exposed on leaving their homes.

No. 12.
 B. D'Urban
 Mr. Sec. Hay,
 November 1835.
 cl. 2, in No. 12.

Convinced as we are that your Excellency enjoys the approbation of your own conscience, as well as that of all well-disposed colonists, with regard to the measures which, in circumstances of such unprecedented difficulty, you have seen fit to adopt, we sincerely hope that your Excellency may have the further happiness of receiving the entire approbation of our gracious Sovereign:

And earnestly praying that the blessing of God may attend your Excellency and family wherever you may go, we respectfully subscribe ourselves, as we trust to be ever found,

Your Excellency's most obedient and grateful servants,

(Signed by) *J. W. Reitz.*

J. G. Aspelting.

And 276 other Individuals.

(Enclosure 3, in No. 12.)

cl. 3, in No. 12. TO his Excellency Major-General Sir *B. D'Urban*, Governor and Commander-in-Chief of the Colony of the Cape of Good Hope and its Dependencies, &c. &c. &c.

May it please your Excellency,

WE, the undersigned landholders, merchants, traders and other inhabitants of the Residency of Port Elizabeth, beg leave to offer our unfeigned congratulations upon your Excellency's safe return from the Caffre war.

Much as we have to deplore the great sacrifice of life and property which has been the consequence of the unprovoked aggressions and devastating inroads of our savage invaders, we cannot but be grateful to that Providence which directed your Excellency to the helm at a crisis the most awful which ever impended over this colony, and which required the utmost wisdom in council and prudence in the field to avert.

While we tender our humble but just tribute of admiration of your Excellency's skilful military combinations and energetic measures, by which the late contest has been brought to assume so favourable an aspect, we must at the same time bear testimony to the merciful forbearance which has characterised your Excellency's proceedings, and to the solicitude evinced by your Excellency for the alleviation of the sufferings of the distressed.

Above all, we desire to congratulate your Excellency upon that great act of philanthropy, which cannot fail to confer lasting honour upon your Excellency's name, the release of 15,000 of our fellow-creatures, comprising the whole of the Fingo tribe, from a state of the most degrading bondage; thus completing, in one stroke of humane and enlightened policy, the great work which our mother country commenced, and which gained for her the applauses of the Christian world.

The indefensible character of our late boundary having been incontestibly established, we cannot sufficiently testify our gratitude for your Excellency's prudent and salutary determination to extend the frontier line to the River Kye, and for the occupation of a territory, in His Majesty's name, which has been so justly forfeited by the treacherous and barbarous irruption of its late possessors; and we look forward with confidence to a confirmation of this act on the part of the British Legislature, as being the only means whereby the future security of the eastern division of this colony can be ensured.

We beg to express our cordial concurrence with our fellow-colonists of Albany, in their address to our gracious Sovereign in council; and we respectfully solicit that your Excellency will cause our sentiments to be conveyed to the proper quarter.

We offer up our fervent prayers, that the same Providence which has protected your Excellency throughout the war may restore you in safety to the bosom of your family, and to the enjoyment of that proud satisfaction arising from the consciousness of having been a benefactor to you fellow-man.

(signed) *D. P. Francis*, Chairman,
 And by 105 other Individuals.

— No. 13. —

No. 13.
 Lord Glenelg to
 the Commander-in-
 Chief,
 February 1836.

COPY of a LETTER from Lord *Glenelg* to the *General Commanding-in-Chief*.

My Lord,

Downing Street, 3 February 1836.

ON the 26th of December 1835, I addressed to Sir Benjamin D'Urban, as Governor of the Colony of the Cape of Good Hope, a despatch explanatory of the views which His Majesty's Government have taken of the origin and progress of the recent hostilities between the British forces stationed in that settlement, and the tribes inhabiting the adjacent territories of Caffraria. Amongst the most remarkable incidents of that warfare was the death of a chief who bore the name of Hintza, and I will here transcribe the terms in which I thought it right to refer to that event. They were as follows:

"I will not pause to inquire whether Hintza was justly detained in your camp as a prisoner, or whether he was really liable to pay with his life the penalty of attempting

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No. 13.

Lord Glenelg to
the Commander-in-
chief,
3 February 1836.

attempting to escape from the detachment which accompanied him. All this being conceded, there yet remains the question, not hitherto solved, nor, as far as I can perceive, even discussed. He was slain when he had no longer the means of resistance, but covered with wounds, and vainly attempting to conceal his person in the water into which he had plunged, as a refuge from his pursuers. Why the last wound was inflicted, and why this unhappy man, regarded with an attachment almost idolatrous by his people, was not seized by the numerous armed men who had reached his place of concealment, has never yet been explained.

"The case assumes a peculiar importance from the circumstance that Mr. Southey, who gave the death wound, appears to have been subsequently twice commended in general orders, though not indeed with any express reference to his conduct in this affair. It is said that Hintza refused to surrender. But if the fact be so, of what importance was the refusal of a wounded, helpless, isolated man.

"It is stated to me, however, on evidence which it is impossible to receive without serious attention, that Hintza repeatedly cried out for mercy; that the Hottentots present granted the boon, and abstained from killing him; that this office was then undertaken by Mr. Southey, and that then the dead body of the fallen chief was basely and inhumanly mutilated. I express no opinion on this subject, but advert to it because the honour of the British name demands that the case should undergo a full investigation, which it is my purpose to institute."

I have hitherto delayed to act on the intention thus announced of instituting a full investigation into this case, in the expectation that I should have been enabled to refer by name to the authors of the charge, and call upon them to substantiate it by such evidence as may be within their reach. In this expectation, however, I have been disappointed, as the parties in this country from whom I have received information on the subject, do not feel themselves at liberty to disclose publicly the names of their informants in the colony.

Under these circumstances, further delay could answer no good purpose, but might be highly injurious to the reputation of His Majesty's forces serving in South Africa.

Your Lordship will not need to be assured, that I have received with extreme incredulity the disgraceful statements to which my despatch refers.

But your Lordship will agree with me, that the mere improbability of its truth is not a sufficient answer to oppose to an accusation of such a nature, and so widely circulated.

There are several sources of intelligence to which reference might be readily made. Colonel Smith, who, though not actually present at Hintza's death, yet reached the spot very shortly after Mr. Southey, by whom the wound was inflicted, and a gentleman bearing the name of Campbell, and practising medicine at Graham's Town, will all be able either to give or to indicate some evidence on the subject.

A diligent inquiry on the spot will of course discover the names of other persons from whom information might be obtained.

I have, therefore, to request that your Lordship would instruct the Major-General in command of His Majesty's Forces at the Cape of Good Hope, to appoint a court of military inquiry, to investigate the circumstances which immediately preceded and followed the death of Hintza. If the result of that inquiry should be such as to justify the belief, that the representations to which I have referred are substantially accurate, then Sir Benjamin D'Urban will of course subject the parties implicated to trial by court martial for offences so derogatory to the character of His Majesty's forces.

I have, &c.

(signed) Glenelg.

No. 14.

Commander-in-
chief to Lord
Glenelg,
11 February 1836.

— No. 14. —

COPY of a LETTER from the *General Commanding-in-Chief* to Lord *Glenelg*.

My Lord,

Horse Guards, 11 February 1836.

I HAVE the honour to acknowledge the receipt of your Lordship's Letter of the 3d instant, and in reply to acquaint you, that I have lost no time in causing the necessary directions to be given to Major-general Sir Benjamin D'Urban to appoint a court of inquiry to investigate the circumstances which immediately preceded and followed the death of Hintza.

I have, &c.

(signed) *Hill*.

No. 15.

Lord Glenelg to
Lieut.-governor
Stockenström,
5 February 1836.

— No. 15. —

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-governor
Stockenström.

Sir

Downing-street, 5 February 1836.

I HAVE the honour herewith to transmit to you letters patent, under the Great Seal, by which the eastern division of the colony of the Cape of Good Hope, including the districts of Albany, Somerset, Uitenhage and Graaf Reinet, have been placed under the immediate authority of a Lieutenant-governor. I also enclose a warrant under the Royal Sign Manual, by which His Majesty has been pleased to nominate you to that office. I proceed to convey to you the instructions which have appeared to His Majesty to be necessary for your guidance in the discharge of this duty.

Your long and intimate acquaintance with the affairs of the eastern frontier of the Cape of Good Hope, and your exact knowledge of the relations which have subsisted between European settlers and the aboriginal tribes, render it unnecessary for me to enter, in this place, on any review of that part of our colonial history. You are well aware by what steps the contiguity of the two races has converted them into mutual enemies; and how aggressions on the one side, followed by predatory incursions on the other, ripened at length into the disastrous hostilities which marked the first nine months of the year 1835. Whatever may have been the remote or the proximate causes of this warfare, its results can be contemplated with no other feelings than those of the most lively regret. After a great loss of treasure and of human life, and the desolation of the fairest regions of South Africa, the war has indeed been terminated; but how far effective security has been taken against the recurrence of similar calamities, remains yet to be seen.

The motives which induced the jealousy and exasperation of the contending parties remains, as I apprehend, in unimpaired force, and may be expected to reproduce the same evils, unless some decisive means be adopted for the prevention of them.

26 Dec. 1835.
No. 4. *supra*.

I enclose, for your information, a copy of a despatch which on the 26th of December last I addressed to Sir Benjamin D'Urban on this subject. From that document you will learn, that for the reasons there stated, it is His Majesty's strong disposition to abandon the conquest which has been made in his name, although the final decision is suspended until a further report shall have been received from the Governor of the colony. For the present purpose, I shall assume that the British dominions will for the future be narrowed within the limits by which they were defined at the commencement of the late contest; your commission accordingly extends only to the four eastern districts already mentioned. It remains to show what are the grounds on which I hope to derive from that commission an effectual security against the recurrence of hostilities with the Caffre tribes.

The physical and topographical circumstances of the Cape Colony are in many respects unfavourable to good government. Residing at the extreme western limit of that extensive territory, the Governor is habitually removed, by a distance varying from 600 to 700 miles, from the eastern frontier, and from the comparatively populous districts adjacent to it.

The difficulty of communication, either by land or sea, renders this long interval a most formidable barrier to the speedy conveyance of intelligence to and

and from Cape Town; hence have arisen the usual, and indeed inevitable results, of placing any country under the rule of a very remote authority. The powers of the government have become enfeebled, and its measures wavering and uncertain; the minor local functionaries have unavoidably assumed to themselves a much more ample discretion than they were qualified to exercise aright; and precisely in that part of the colony in which a firm and energetic command has been most required, it has been the least exhibited.

Amongst the foremost of the evils resulting from this state of things has been the want of any due subordination on the frontier of the military to the civil power. In fact, the relations with the Caffre tribes may be said to have fallen permanently under martial law, the administration of justice being left to the commandant and his soldiers.

But above all other evils of which the remoteness of the seat of government may be assigned as the cause, is that instability of purpose and that frequent change of policy by which our conduct towards the native tribes has been characterized. Of the successive governors, some have been very eminent men, and all, as I have no doubt, zealous to advance the public interests; but unfortunately they all contemplated the affairs of the frontier districts, and of the aborigines beyond them, at the distance of many hundred miles. They were constrained to act rather on the reports of others than on their own observation, and to substitute speculation for experience. The consequence has been such as might have been anticipated: our proceedings have assumed an appearance of caprice, and of a confusion perfectly unintelligible to the natives, who, in their turn, have been led into a course of conduct uncertain and liable to sudden changes.

The foresight of the Commissioners of Eastern Inquiry induced them to suggest the establishment of an eastern province, under the command of a distinct lieutenant-governor, as the best remedy for these and other political inconveniences incident to the topography of the Cape Colony. In reverting to that proposition, therefore, I rely not on any theory of my own, but on the mature councils of the very able and laborious public officers by whom it was originally recommended.

The relations between the colonists and the aborigines form the most important object of this plan; but there are also other considerations of no small importance by which it is supported. The remoteness of the seat of government has greatly impaired the efficiency of the local administration amongst the European colonists and the Hottentots, and other natives permanently settled within the British territory. No inhabitant of the eastern districts can be brought into communication with the Governor, or with his principal officers, except by the intervention of posts, which have to traverse rivers and mountain ranges, and long tracts of wild country, along which the means of transit are difficult at all seasons, and at some periods of the year are scarcely to be procured at all. The consequence has too evidently been to shelter the subordinate officers, in the more remote parts of the colony, from all real control and all effective responsibility. For the collection of the revenue; for the management of the police; for the administration of justice; for the improvement of internal communications; for the military defence of the inhabitants; in short, for whatever constitutes a good government, the much closer vicinity of some superior authority would appear indispensable.

Such are in general the motives which have led to the establishment of the Lieutenant-government of the eastern districts to which you have been appointed. I pass on to the consideration of the duties to which you will be called.

In general, your office will be to execute in the districts of Albany, Somerset, Uitenhage and Graaff Reinet, the executive powers which at present Sir Benjamin D'Urban exercises throughout the whole colony. What those powers are, you will learn partly from the enclosed copies of his commission and instructions, and partly from the general laws and usages of the settlement. For the definition of the relative duties and authority of yourself and of the officers commanding His Majesty's troops within the eastern districts, in respect of military command, I refer you to the standing instructions of the 20th November 1824, of which a copy is annexed.

20th Oct. 1833.

8th Nov. 1833.

20th Nov. 1824.

No. 15.

Lord Glenelg to
Lieut.-governor
Stockenström,
5 February 1836.

But you will be called to one special and peculiar duty, to which the preceding remarks have already pointed : it is that of framing, consolidating and carrying into execution such a system as may ensure the maintenance of peace, good order and strict justice in all the intercourse and relations between the inhabitants of European and African origin or descent on either side of the eastern frontier.

In proposing to you such an undertaking, I feel that it is due to you to relieve you from the responsibility incident to it, to the utmost extent of my power ; to a considerable extent this is fortunately practicable. In my despatch of the 26th December you will find a statement of the principles on which His Majesty's Government propose to act ; and although those principles are not there followed out into the many details which they involve, and to which they must lead, yet I believe that by advancing more minutely into the subject, I should rather enhance than relieve your difficulties. I have not now to learn that it is impossible to frame in this country, in any circumstantial form, a really effective law, or system of regulation, which is to have its operation in a place so remote from Great Britain, and in a society so essentially dissimilar from our own.

The regulations which it will be your duty to frame will partly assume the form of treaties with the native chiefs, and will, in part, be embodied in laws for the observance of His Majesty's subjects. Those treaties it will be your duty to negotiate on the terms mentioned in my despatch of 26th December, and the necessary laws in aid of them you will draw up with all practicable care and circumspection.

I have, however, to remark, that the ratification of the treaties so to be made, as well as the enactment of the necessary laws, must be reserved, in the first instance, for the Governor of the Cape of Good Hope in Council, and ultimately for His Majesty. I trust that these Acts, when perfected, will lay the foundation of permanent relations with the Caffre tribes, which the fluctuating opinions and policy of the local authorities will not be able to subvert.

Although I have thus adverted to the main object of your future care as if it were immediately within your reach, you will yet understand that until you shall have received further instructions, you are not to proceed to treat with the Caffre chiefs, or to frame the laws to which I have adverted. Those instructions will be conveyed to you as soon as I shall have received from Sir B. D'Urban the final report for which I have applied to him in my despatch of the 26th of December. Your duty in the meantime will be to administer the law as it actually stands.

It remains that I should explain, with all practicable distinctness, what are the relations which are to subsist between the Governor of the Cape and yourself.

1st. With regard to legislation, the commission of which you are the bearer leaves the constitution of the colony unaltered.

All laws affecting the eastern districts will be passed as heretofore by the Governor and Legislative Council of the Cape of Good Hope. But before any law applying to the districts is enacted, a copy of it in the form in which it is proposed that it should pass must be transmitted to you, and before its final adoption it will be the Governor's duty to read at the council board, and to record amongst the minutes of the council, any representation which you may have seen fit to make on the subject. He will transmit to this country, with the transcript of any such law, a copy of any such representation.

2d. The judicial system now in force in the colony will remain on its present footing without any change.

3d. Respecting finance, it will be your duty annually to transmit to the governor an estimate for the service of the eastern districts. All public money voted on that account must be drawn from the public treasury at Cape Town, by warrants signed by yourself and countersigned by the Governor.

4th. In the patronage of all public offices at the disposal of the Governor within the eastern districts, it will be his duty to act in accordance with your advice. In recommending to the King candidates for any such offices at the disposal of the Crown, the Governor will propose such names as you may suggest to him for that purpose.

5th. All public offices, whether civil or military, within the eastern districts, will correspond officially with yourself only, and will obey your lawful instructions.

6th. Your correspondence with His Majesty's Government will be conducted exclusively through the Governor of the Cape of Good Hope. To him and not
to

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to the Secretary of State you will apply for such instructions as you may require for your guidance; and to all his lawful instructions, whether solicited by yourself or not, you will yield implicit obedience.

7th. In cases which you may not think of sufficient importance to call for instructions from a superior authority you will be free to act upon your own judgment and responsibility.

8th. The Governor will transmit to this office copies of all the correspondence which shall pass between yourself and him.

In my accompanying despatch, No. 1, you will find a statement of your official establishment.

I enclose a duplicate of my present despatch, and of my despatch No. 1. These duplicates you will deliver into the hands of Sir Benjamin D'Urban, who will have the goodness to understand them as addressed to himself as well as to you. For this purpose you will repair with all practicable expedition to Cape Town. On your arrival there, you will exhibit the accompanying letters patent and commission to the Governor, and cause copies of them to be enrolled in the secretary's office, and in the court of civil justice. You will then proceed to the eastern districts, and will take up your residence at Graham's Town.

I have, &c.

(signed) *Glenelg.*

No. 15.
Lord Glenelg to
Lieut.-Governor
Stockenström,
5 February 1836

No. 1.
5th Feb. 1836.
No. 2.
5th Feb. 1836.

— No. 16. —

COPY of a LETTER from the Rev. *Jabez Bunting* to *James Stephen*, Esq.

Wesleyan Mission House, 77, Hatton Garden, London,
9 January 1836.

Sir,

I HAVE the honour, on behalf of the Committee of the Wesleyan Missionary Society, to offer to you, and through you to the noble Secretary of State for the Colonial Department, their cordial thanks for the prompt and obliging communication of a copy of the paper addressed by Mr. Shrewsbury, in January 1835, to Lieut.-colonel Smith. That paper was submitted at the earliest opportunity to the consideration of the committee, whose unanimous resolutions on this most painful occasion I take the liberty of transmitting. I enclose also a copy of the document which Mr. Shrewsbury delivered to the committee, in explanation of his opinions. Though far from satisfactory, it is perhaps only just and fair that you, and Lord Glenelg, if you deem it expedient, should have the opportunity of becoming acquainted with them.

On one point I feel it my own duty to explain. When the rumour of Mr. Shrewsbury having written the very censurable paper in question first reached us, by the medium of a distinguished friend, it was mentioned that Mr. Shrewsbury had written "a letter to the Governor Sir Benjamin D'Urban, containing certain advices and counsels on the subject of the war." So the communication of that friend was understood, and in those terms substantially the matter was stated by one of my colleagues to Mr. Shrewsbury, in a letter of inquiry. To that statement it was that Mr. Shrewsbury replied by a denial of his having, to the best of his recollection, written to the Governor at all on that subject, not recollecting then that he had sent in writing to Lieut.-colonel Smith the heads of their previous accidental conversation. When afterwards we obtained, and repeated to him, a more minute account of the import and contents of the paper, Mr. Shrewsbury instantly recalled the transaction to his memory; at once acknowledged the fact of his having written to Colonel Smith, and admitted (though he had kept no copy) the substantial accuracy of the statement. He has strangely and grievously erred in this affair; but we, who have known him long, cannot for a moment question his veracity as to the explanation now given of his original disclaimer.

Most gratefully appreciating your friendly attentions to the applications of our society on this and other occasions,

I have, &c.

(signed) *Jabez Bunting.*

No. 16.
Rev. Jabez Bunting
to James Stephen,
Esq.
9 January 1836.

No. 16.

Rev. Jabez Bunting
to James Stephen,
Esq.
9 January 1836.

(Enclosure.)

(Enclosure.)

EXTRACT from the Minutes of a Meeting of the Committee of the Wesleyan Missionary Society, held December 30, 1835.

The President of the Conference in the Chair.

THE attention of the committee was called to the copy of a paper, dated 10th January 1835, and signed "W. J. Shrewsbury," which appears to have been addressed at that period to Lieutenant-colonel Smith, and to have contained the heads or substance of a private and casual conversation which had previously occurred between that officer and Mr. Shrewsbury, in reference to the Caffre war, and to the measures to be pursued towards the native tribes, then in hostility to the British Government and colonists.

Mr. Shrewsbury admitted the genuineness and accuracy of this document, as being, he believes, a true copy of what he wrote to Lieutenant-colonel Smith; and he delivered to the committee another paper containing various explanations of those parts of his communication to that officer, which had been pointed out to him as having excited, in no ordinary degree, the astonishment and strong disapprobation of some attached friends of our society, who had learned the general character and purport of its contents.

On full consideration of the case, the committee unanimously resolve as follows:

First, That the committee feel themselves painfully but imperatively compelled, by a sense of public duty, to record their most entire and unqualified disapprobation of the step unhappily taken by Mr. Shrewsbury on this occasion. They judge that the advice given by him to the commander of the forces then about to proceed against the Caffre invaders of the colony, if understood in its obvious and literal meaning, was in various particulars most unwarrantable and revolting to the principles and feelings of humanity and religion; and if even it were possible for a moment to suppose that any circumstances could have justified such recommendations as he gave, it was still highly unbecoming the station and character of a minister of the Gospel of peace, and contrary to the standing instructions which this society gives to all its missionaries, that he should interfere at all, even though requested by the military authorities, in the discussion of questions of this nature, or that he should take any part, directly or indirectly, in the suggestion of measures bearing an aspect of such extreme severity.

Secondly, That the committee are disposed, from their long previous knowledge of the eminently benevolent and Christian character and conduct of Mr. Shrewsbury, as well as from the high estimate which they continue to form of his general principles, and of his distinguished services and sufferings in the missionary cause, to allow all reasonable weight to the explanations which he has given of this distressing affair, and of his real motives and meaning in the document which bears his name. But they still deeply regret that he wrote to Lieutenant-colonel Smith at all on such topics, and that if he deemed himself obliged in duty, as a British subject, to offer his opinions when requested, he did not more carefully consider the usual and natural import of the expressions which he employed; expressions which, as they stand in the document itself, the committee must declare to be, in their judgment, most censurable, and calculated to injure the reputation of the society and of its missionaries, none of whom, however, were consulted by Mr. Shrewsbury on the occasion, or in the least degree cognizant of the paper in question, of which, unhappily and unwisely, he took on himself the sole and entire responsibility.

Thirdly, That a copy of Mr. Shrewsbury's explanations and of these resolutions be forwarded to His Majesty's Secretary of State for the Colonial Department, with the respectful assurance that the committee do most entirely disavow and disclaim all participation in the opinions expressed by Mr. Shrewsbury as to the mode of dealing with the Caffres concerned in the late irruption, and that as they first heard of the paper submitted to Lieutenant-colonel Smith with a surprise which amounted to incredulity, they now regard it with the deepest regret and disapprobation, and will reiterate in the strongest terms to all their missionaries the duty of wholly abstaining from proceedings so utterly at variance with their sacred character and calling.

To the Members of the Wesleyan Missionary Committee, 77, Hatton-garden, London.

Gentlemen,

FINDING that a paper which I presented to Lieutenant-colonel Smith at Graham's Town on 10th January 1835, for his consideration, in answer to his request to me for information, has been interpreted in a manner I never intended, I take the earliest opportunity of offering the following explanations:

"Article 1. The chiefs who have invaded the colony to forfeit their chieftainship, and the people to forfeit their country, their arms and their property. This accomplished, the righteousness of British law and the equity of British judges may decide the rest."

The object of this article was not to suggest exclusion from the country, but forfeiture of it; that the territory of the hostile chiefs should be added to the British possessions, and the people brought under the influence of British laws. Without their assaigais the people never go out to plunder; to deprive them of those arms would have been an effectual method of bringing their predatory habits to an end. Being incorporated with British subjects, they would not need them for defence. It seemed just also that "their property," or cattle, should be taken, that restitution should be made to those whom they had robbed and spoiled.

When

When subjected, however, the application of these general principles was to be left, as is here expressed, "to the righteousness of British law and to the equity of British Judges."

"Article 2. Deserters from the British Government, who may have taught the Caffres the use of arms, to be punished with rigour."

It is a fact well known in the colony that the Caffres were trained and led on in this war by two or three deserters from the British army, who were the main cause of the great destruction of life and property that occurred; and as at that critical juncture many fears were entertained that a considerable portion of the Cape Corps, which constituted the chief defence of the frontier, would follow their example, an avowed determination to punish with rigour those who were wanting in fidelity appeared to be necessary, both to ensure the safety of the colonists and to prevent in the end a still greater effusion of blood.

"Article 3. The actual murderers of British subjects to be everywhere demanded, and when obtained, executed on the spot, that the Caffres may see that murder with Britons is an unpardonable crime. Every chieftain to be informed that if he substitute innocent persons for the really guilty, the chieftain himself will forfeit his own life, as being himself the friend of murderers, and the cause of the shedding of innocent blood, under the colour of law and justice."

By "actual murderers" were never intended those who engaged in the war, however unjust on their part, but those who in time of peace, previous to the war, had coolly put British subjects to death. In this manner William Purcell had been killed in Hintza's country, David Monkey and his wife by Eno's people, and Mr. Warren dragged out of the missionary's house by Macomo's councillors, and stabbed before his door. The words "executed on the spot" were not intended, of course, to dispense with the solemnity of a trial, without which the actual "guilt" mentioned in the beginning could not be ascertained; they referred not to time, but place. In 1826, General Bourke pursued a similar course towards the murderers of William Threlfall and Jacob Links; after trial they were taken to the spot where those good men fell, and there suffered, which produced a very salutary effect on the minds of those natives who witnessed it. Had the same course been promptly adopted in these latter instances in Caffreland, it is probable no war would have occurred; but the impunity with which those murderers escaped induced a belief among the Caffres that the British either would not, or dare not, any longer punish the perpetrators of such atrocious deeds. The known power and propensity of the chiefs to substitute an innocent person for a guilty favourite, appeared to render the suggestion in the latter part of the article necessary, the only object of which was to secure the innocent from suffering for the really guilty.

"Article 4. The chiefs who profess friendship towards the colony to be informed, that if they allow our enemies shelter in their territory, or connive at the concealment of colonial cattle or property, they will at once be considered as enemies, and dealt with accordingly."

It is impossible to judge of this article without taking into account the thorough duplicity of character of the Caffre chiefs. Their conduct was at that time very dubious. Hintza, in particular, while professing attachment to the colony, and repeatedly acknowledging that he owed the salvation of himself and his people to colonial friendship and succour, was at the same time receiving and concealing in his country immense herds of cattle, plundered from the colony; and though I had not much faith in his character, yet I thought it probable that, if they were timely and firmly warned upon this subject, it would prevent them from being involved in the calamities of the war, as well as contribute much to the safety of the colony. With the same intent I personally sent messages to Hintza and other chiefs, in which I expressed to them, in strong terms, the ill consequences that would result from their duplicity, in order that their ruin might be prevented. Had Hintza hearkened to my counsel, he might have been living at this day.

"Article 5. In conducting the war, the advice of the Dutch, and of well-informed British civilian settlers, will be of great advantage, and superior to a strict observance of military tactics, as observed in European warfare. In thickets and ravines caution must be used to avoid falling into ambuscades," &c.

It must be all along considered that neither this nor any of the other suggestions related to a contemplated war that might be averted, but that, without any intention or expectation of it, the colonists were suddenly involved in the most extensive distress, by the irruption of their neighbours, with whom they were at peace. At this time the frontier had but a handful of men; it was the crisis of our danger, when we were hourly expecting to be overwhelmed by many thousands of barbarous people, who were near us, and surrounding us on every side. In these perilous circumstances, any false step, from unacquaintedness with the localities of the country, and from an unwillingness to be advised by those who did know them, might have involved the whole community in one common ruin. With a view to prevent that calamity the above suggestion was made.

"Article 6. Calculating on the ultimate success of our arms, since ours is the righteous cause, on the termination of the war," &c.

Before noticing the subdivisions of which this article consists, I observe that, whatever may be the opinions of others, I, who was present, and saw the progress of the whole affair, believe that I am fully justified in saying that in this instance the British had a righteous cause; I therefore pass on to the first branch:

"1st. The neutral country to be occupied by the British, to prevent the Caffres from lurking in the Fish River Bush."

The "Bush," as it is here called, is an immense forest of low wood, many miles in extent, on each side of the Fish River. The neutral territory is a strip of land on the Fish River heights, which, if occupied by English villagers, would both contribute to the peace of the colony,

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to James Stephen,
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9 January 1836.

(Enclosure.)

and cut off one powerful temptation from Caffre plunderers, by depriving them of a secure retreat and concealment in their marauding excursions.

"2d. Caffre offenders whose lives may be spared to be employed in making high-roads in every part of Caffreland; if necessary, even to Natal; their labour, as convicts, being a visible proof of the punishment mercifully inflicted on those who might have lost their lives," &c.

The word "offenders" was not intended to apply to those merely engaged in the war, but to those who, upon trial, should be convicted of any particular acts of cruelty or perfidy; and the punishment suggested was intended as a merciful commutation for that transportation to Robin Island which had been inflicted on the ringleaders of a former Caffre war. Instead of being severed from their friends and countrymen, they would have been employed in labour for a while; the example would have been beneficial to others, and afterwards they might have been released altogether.

"3d. A universal registration of Caffres to be effected; every man wearing on his own neck a thin plate of tin, containing his name and the name of his chief, which will be to him a token of peace, and the absence of it a token of enmity. This will serve both to identify offenders, and enable the British Government at once to know the number and the strength of the frontier tribes."

Previous to the war every Caffre entering the colony was required to be furnished with a written passport, bearing his name and the name of his chief; and this was thought necessary, that in case of offence an individual might not implicate any other chieftain, to screen his own chief and people. A medal, instead of a written paper, and corresponding to the registration, was suggested as being a simpler and better measure.

"4th. British agents to reside in Caffreland, to carry this registration into effect, and otherwise subserve the great principles of justice and mercy, which benefit all people who are indirectly controlled by the Government and laws of Britain."

Under the supposition that the conquered people and their country were to be added to the British territory,—a measure undoubtedly beneficial to themselves as well as giving security to the colony,—there appears to be nothing objectionable in this item. Taken together with all the other particulars under this article, it contemplates the peaceable settlement of the country, the establishment of good government and laws, and the due administration of justice to all. A distinct recognition of chiefs and their people is supposed as existing when the war was terminated, and clearly proves, that by me expatriation was never thought of for a moment, but subjection to government, under the supremacy of British laws.

On reviewing the whole subject I come to two conclusions:

First, as an Englishman, had I only read this paper at home, without being in the midst of the late wars and surrounded with perils on every hand, and without being intimately acquainted with the character and habits of the people occupying Caffreland, I should have thought the suggestions harsh and severe, and perhaps should have condemned them in strong language, especially as coming from a missionary.

Secondly, but looking at the entire series of facts as they occurred, the combination of circumstances in which I was placed, and the need which those in authority had of being assisted in the perplexities which puzzled them by any suggestions I might be able to offer, I thought that, although it was stepping out of my usual course, I owed it to my King and country, when requested so to do, to express my views on the then state of public affairs. When a country is on the verge of ruin, the King has a right to demand the opinion of any of his subjects, and under such an impression I withheld not mine. I mention not, on the opposite side, the steps I took to benefit the Caffres; but nothing, next to the Gospel, will so much benefit them as subjection, in common with the colonists, to our government and laws.

(signed) : W. J. Shrewsbury.

London, 24 December 1835.

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CAPE OF GOOD HOPE:
CAFFRE WAR AND DEATH OF HINTZA

CORRESPONDENCE relative to the late CAFFRE
WAR, and to the Death of *Hintza*.

(*Mr. Buxton.*)

Ordered, by The House of Commons, to be Printed,
30 May 1836.

[*Price 2 s. 3 d.*]

HONDURAS.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 13 June 1836 ;—for,

ACCOUNT of the EXPENSES of the GOVERNMENT of *Honduras* defrayed
by TAXES raised on the Inhabitants of that Settlement, from the beginning
of the Year 1824 down to the present period, so far as the same can be
made out.

Colonial Department, }
19 August 1836. }

G. GREY.

(*Mr. Grote.*)

Ordered, by The House of Commons, to be Printed,
19 August 1836.

ABSTRACT of the NET REVENUE and EXPENDITURE of

REVENUE, 1824.

Arrears of Revenue of last Year :		* Jamaica Cy.	
Amount of balances due on the treasurer's books by sundry persons, on account of duties and taxes, at 31st December 1823, exclusive of sundry small demands of long standing, for fines, &c., against persons unable to pay	£.	s.	d.
- - - - -	2,533	16	-
FIXED :			
Amount of monies collected by the treasurer, on account of the permanent duties and taxes for the past year, from 1st January to 31st December 1824 -	12,995	2	10
Total Amount of Fixed Revenue, in sterling, 9,281 l. 13 s. 4 d.			
INCIDENTAL :			
	£.	s.	d.
Deposits in the public treasury until the right of property is proved - - - - -	89	13	1
Balance of proceeds of wine found on the Zappotella keys - - - - -			
From the estate of R. D. Bull, deceased - - - - -	342	-	10
Deposits in the public treasury, on interest, towards the purchase of the freedom of a negro man slave, named Robert Hewlett - - - - -	91	17	-
	523	10	11
Total Amount of Incidental Revenue, in sterling, 374 l.			
RECEIPTS IN AID OF REVENUE :			
Fines and forfeitures - - - - -	75	-	-
Cash taken from pirates - - - - -	26	3	1
	101	3	1
Total Amount of Receipts in aid of Revenue, in sterling, 72 l. 8 s.			
Balance due to the public, 31st December 1823 - - - - -	17	19	8
Balance due to the treasurer, as per accounts audited by the magistrates, to 31st December 1824 - - - - -	183	12	3
	201	11	11
Total Balances due, sterling, 143 l. 14 s.			
<i>Note.</i> —It is necessary to explain that persons importing spirits, wines, tobacco and other articles into this settlement, rated for and subject to the payment of duties, are entitled to a few months' indulgence (not less than three months) for the payment of the duties, so that it becomes necessary for the treasurer to open an account with every individual importer of merchandize, charging the importer, on the one hand, with the duties payable upon the various articles imported from time to time, and, on the other hand, crediting such sums as he from time to time pays into the treasury upon account and in liquidation of the aggregate sum so due by him for various duties; and it is impossible therefore (as the instructions require) to exhibit distinctly and separately the sources from which the receipts have been derived, as from the mode of conducting the business in this department the amount of the various sums collected and received by the treasurer, as above explained, have been and can only be accounted for by him in a general way, as receipts on account of duties and taxes.			
TOTAL REVENUE - - - £.	13,821	8	9

* From 1824 to 1827 the accounts are made out in Jamaica currency, but for the subsequent years they are made out in sterling, at the par of Exchange; viz. 71 l. 8 s. 6 d. sterling for 100 l. Jamaica currency.

the Settlement of *Honduras*, from the Year 1824 to 1836.

EXPENDITURE, 1824.

		<i>Jamaica Cy.</i>		
		£.	s.	d.
Arrears of Expenditure of last Year :				
Arrears of Expenditure for 1823, included in and forming part of the following charges, for ordinary and miscellaneous disbursements of the settlement -		1,399	14	2
ORDINARY AND FIXED EXPENSE OF THE DEPARTMENTS OF GOVERNMENT :				
Public Grants, Salaries, &c. :		£.	s.	d.
His Majesty's superintendent - - - - -	1,000	-	-	
Chaplain to the settlement - - - - -	616	18	-	
Church clerk - - - - -	-	-	-	
Schoolmaster - - - - -	-	-	-	
Sexton - - - - -	38	3	4	
Public pensions, &c. - - - - -	317	17	11	
Pay of men in Government schooner - - - - -	76	5	-	
King's advocate - - - - -	70	-	-	
Allowance in aid of subscriptions to the Honduras free-school - - - - -	277	10	-	
Public Treasurer's commission not to exceed - - - - -	1,000	-	-	
Agent for the settlement in London - - - - -	840	-	-	
In all, Expense of Civil Establishment, in sterling, 3,022 <i>l.</i> - s. 2 <i>d.</i>		4,236	14	3
DISBURSEMENTS ON ACCOUNT OF MISCELLANEOUS CIVIL SERVICES :				
Office of Police :				
Amount of magistrates' orders for fees, &c. in this department -	851	19	2	
Orders in favour of police-officer on account of working parties under his direction - - - - -	49	15	-	
Clerk of Court :				
Amount of magistrates' orders for fees, &c. in this department -	576	1	8	
Provost Marshal-general :				
Amount of magistrates' orders for fees, &c. in this department -	219	15	5	
Public Works - - - - -	809	4	7	
Hospital Expenses - - - - -	306	6	3	
Payments on account of interest, &c. on trusts debts due by the public - - - - -	897	12	7	
Miscellaneous Disbursements - - - - -	1,645	17	-	
In all, Miscellaneous Disbursements, in sterling, 3,826 <i>l.</i>		5,356	11	8
ACCIDENTAL AND EXTRAORDINARY EXPENSES :				
Expenses incurred in arming and fitting out vessels sent in pursuit of pirates on the coast - - - - -	901	17	5	
Expended in aid of subscriptions for the relief of the Poyaisian emigrants from the Mosquito shore - - - - -	2,203	19	3	
Paid A. Aikman, jun., of Jamaica, on account of printing - - - - -	434	1	8	
Total Accidental and Extraordinary, in sterling, 2,528 <i>l.</i> 8 s. 10 <i>d.</i>		3,539	18	4
MILITARY DISBURSEMENTS :				
Ordinary :				
Pay of permanent acting adjutant for the Prince Regent's Royal Honduras Militia - - - - -	59	18	11	
Contingent :				
Paid for cleaning and repairing militia arms - - - - -	82	17	6	
Detachment up River Belize, for conveyance of provisions, &c. -	275	7	6	
Clothing, accoutrements, &c. for Prince Regent's Royal Honduras Militia - - - - -	270	-	7	
In all, Military Disbursements, in sterling, 491 <i>l.</i> 8 s.		688	4	6
TOTAL EXPENDITURE - - - £.		13,821	8	9

REVENUE, 1825.

		<i>Jamasca Cy.</i>		
		£.	s.	d.
Arrears of Revenue of last Year :				
Amount of Balances due on the treasurer's books by sundry persons on account of duties and taxes to 31st December 1824, exclusive of sundry small demands of long standing for fines, &c. against persons unable to pay - - -		2,254	18	10
FIXED :				
Amount of monies collected by the treasurer on account of the permanent duties and taxes for the past year, from the 1st January to 31st December 1825 -		15,985	15	2
Total Amount of Fixed Revenue, in sterling, according to the current rate of Exchange, 11,418 <i>l.</i> 7 <i>s.</i> 11 $\frac{3}{4}$ <i>d.</i>				
INCIDENTAL :				
Deposits in the Treasury from the estate of R. D. Bell, sterling, 960 <i>l.</i> 14 <i>s.</i> 3 <i>d.</i>		1,345	-	-
RECEIPTS IN AID OF REVENUE :				
Fines and forfeitures, sterling, 86 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i> - - - - -		121	6	8
Note.— <i>Vide</i> 1824.				
TOTAL REVENUE - - - £.		17,452	1	10

EXPENDITURE, 1825.

Arrears of Expenditure:

Arrears of Expenditure for 1824, included in and forming part of the following charges for ordinary and miscellaneous disbursements of the settlement -

Jamaica Cy.

£.	s.	d.
4,270	12	6

ORDINARY AND FIXED EXPENSE OF THE DEPARTMENTS OF GOVERNMENT:

Public Grants, Salaries, &c.:					£.	s.	d.
His Majesty's superintendent	-	-	-	-	1,000	-	-
Chaplain to the settlement	-	-	-	-	455	-	-
Church clerk	-	-	-	-	70	-	-
Schoolmaster	-	-	-	-	-	-	-
Sexton	-	-	-	-	30	-	-
Public pensions, &c.	-	-	-	-	261	5	5
Pay of men in Government schooner	-	-	-	-	53	-	10
King's advocate	-	-	-	-	50	-	-
Allowance in aid of subscriptions to the Honduras free-school	-	-	-	-	439	4	7
Public treasurer's commission not to exceed	-	-	-	-	1,000	-	-
Agent for the settlement in London	-	-	-	-	875	19	2
In all, Expense of Civil Establishment							

4,234 10 -

Total Amount of Fixed Civil Disbursements, in sterling, 3,024*l.* 12*s.* 10½*d.*

DISBURSEMENTS ON ACCOUNT OF MISCELLANEOUS CIVIL SERVICES:

Office of Police:							
Amount of magistrates' orders for fees, &c. in this department	-	-	-	-	954	14	7
Orders in favour of police officer on account of working parties under his direction	-	-	-	-	238	5	10
Paid gaol allowance for support of prisoners	-	-	-	-	1,199	14	7
Clerk of Court:							
Amount of magistrates' orders for fees, &c. in this department	-	-	-	-	482	3	10
Provost Marshal-general:							
Amount of magistrates' orders for fees, &c. in this department	-	-	-	-	371	7	6
Public Works	-	-	-	-	1,111	16	11
Hospital Expenses	-	-	-	-	305	1	8
Payments on account of interest, &c. on trust debts due by the public	-	-	-	-	1,994	7	5
Miscellaneous Disbursements:							
Balance of arrears for 1824	-	-	-	-	2,015	13	8
Amount of miscellaneous disbursements for 1825	-	-	-	-	2,319	10	4

11,052 16 4

ACCIDENTAL AND EXTRAORDINARY EXPENSES:

Expenses incurred in a mission to Peten for the recovery of deserters, 14 of whom were brought back	-	-	-	-	489	12	6
Expenses incurred in a mission to Guatemala for application for the restoration of deserters	-	-	-	-	149	3	11
Paid sundry orders in favour of relief afforded to Poyaisian emigrants	-	-	-	-	560	10	10
In all, Miscellaneous Disbursements							

1,199 7 3

Total Amount of Miscellaneous Disbursements, in sterling, 11,776*l.* 3*s.* 11½*d.*

MILITARY DISBURSEMENTS:

Ordinary:							
Pay of permanent acting-adjutant for the Prince Regent's Royal Honduras Militia, 1825	-	-	-	-	£. 91	5	-
Arrears of - - ditto - - ditto, 1824	-	-	-	-	31	7	11
Arrears of - - ditto - - ditto, 1823	-	-	-	-	91	5	-
					213	17	11

Total Amount of Military Disbursements, in sterl., 152*l.* 15*s.* 7½*d.*

Contingent:

Paid for cleaning, repairing & storing militia arms, £. 268	10	-					
Paid public storekeeper for minding militia clothing, 70	-	-					
Detachment 2d West India regiment up River Belize for conveyance of provisions, &c.	-	295	2	11			
					633	12	11

Total Amount of Contingent Military Disbursements, in sterling, 452*l.* 12*s.* 1*d.*

In all, Military Disbursements

847 10 10

Total Amount of Military Disbursements, in sterling, 605*l.* 7*s.* 8½*d.*

Balance due the Public the 31st December 1825

117 17 5

TOTAL EXPENDITURE

£. 17,452 1 10

REVENUE, 1826.

	Jamaica Cy.
	£. s. d.
Arrears of Revenue of last year :	
Amount of balances due on the treasurer's books, by sundry persons, on account of duties and taxes, 31st December 1825, exclusive of sundry small demands of long standing for fines, &c. against persons unable to pay - - - -	795 17 5
FIXED :	
Amount of monies collected by the treasurer, on account of the permanent duties and taxes for the past year, from 1 January to 31 December 1826 - -	13,010 1 3
Total Amount of Fixed Revenue, in sterling, according to the rate of exchange, 9,292 l. 18 s.	
INCIDENTAL :	
Deposited in the public treasury on account of estates - - - - -	173 1 3
Total Amount of Incidental Revenue, in sterling, 123 l. 12 s. 3 d.	
RECEIPTS IN AID OF REVENUE :	
Fines and forfeitures - - - - -	73 9 1
Total Amount of Receipts in Aid of Revenue, in sterling, 52 l. 9 s. 4 d.	
Balance due the public treasurer, 31 December 1826 - - - - -	499 4 1
Note.— <i>Vide</i> 1824.	
TOTAL REVENUE - - - £.	13,755 15 8

407

EXPENDITURE, 1826.

			Jamaica Cy.		
			£.	s.	d.
Arrears of Expenditure of last year			499	4	1
ORDINARY AND FIXED EXPENSE OF THE DEPARTMENTS OF GOVERNMENT:					
			£.	s.	d.
His Majesty's superintendent	-	-	1,000	-	-
Chaplain	-	-	420	-	-
Church clerk	-	-	70	-	-
Schoolmaster	-	-	-	-	-
Sexton	-	-	30	-	-
Public pensions	-	-	135	13	4
Pay of men in the Government schooner	-	-	75	17	10
King's advocate	-	-	50	-	-
Allowance in aid of subscriptions to the Honduras free-school	-	-	167	10	-
Public treasurer's commission not to exceed	-	-	1,000	-	-
Agent in London	-	-	869	17	8
Contractor for the light-house	-	-	400	-	-
In all, Expense of Civil Establishment			4,218 18 10		
Total Amount of Expense of Civil Establishment, in sterling, 3,013 l. 10 s. 7 d.					
DISBURSEMENTS ON ACCOUNT OF MISCELLANEOUS CIVIL SERVICES:					
Office of Police:					
Amount of magistrates' orders for fees, &c. in this department	-	-	428	5	-
Paid gaol allowance for support of prisoners	-	-	430	10	10
Clerk of Court:					
Amount of magistrates' orders for fees, &c. in this department	-	-	706	14	1
Provost Marshal-general:					
Amount of magistrates' orders for fees, &c. in this department	-	-	245	19	7
Public Works	-	-	4,102	15	3
Hospital Expenses	-	-	314	10	10
Miscellaneous Disbursements:					
Payments on account of interest and on trust debts due by this public	-	-	1,516	8	6
Amount of miscellaneous disbursements for 1826	-	-	327	17	5
Accidental and Extraordinary:					
Expenses incurred in mission to Guatemala	-	-	343	12	1
Ditto - ditto - to Peten	-	-	41	19	2
Ditto - ditto - to Baccalar	-	-	29	6	8
In all, Miscellaneous Disbursements			8,487 19 5		
Total Amount of Miscellaneous Disbursements, in sterling, 6,062 l. 16 s. 8 d.					
MILITARY DISBURSEMENTS.					
Ordinary:					
Paid adjutant of the Prince Regent's Royal Honduras Militia	-	-	£. 45	11	3
Paid two drill-serjeants for ditto - ditto	-	-	3	10	-
			49	1	3
Total Amount of Ordinary Military Disbursements, in sterling, 35 l. - s. 9 d.					
Contingent:					
Paid for cleaning, repairing and storing militia arms	-	-	130	-	-
Paid public store-keeper for minding the militia clothing	-	-	184	17	1
Detachment 2d W. I. Regiment up River Belize for conveyance of provisions, &c.	-	-	185	15	-
			500	12	1
Total Amount of Contingent Military Disbursements, in sterling, 357 l. 11 s. 5 d.					
In all, Military Disbursements			549 13 4		
Total Amount of Military Disbursements, in sterling, 392 l. 12 s. 2 d.					
TOTAL EXPENDITURE			£.	13,755	15 8

REVENUE, 1827.

	Jamaica Cy. £. s. d.
Arrears of Revenue of last year :	
Amount of balances due on the treasurer's books by sundry persons, on account of duties and taxes, 31st December 1827, exclusive of sundry small demands of long standing, for fines, &c., against persons unable to pay - - -	12,117 15 5
FIXED :	
Amount of monies collected by the treasurer, on account of the permanent duties and taxes for the past year, from 1st January to 31st December 1827 -	21,193 1 4
Total Amount of Fixed Revenue, in sterling, according to the current rate of exchange, 15,137 <i>l.</i> 18 <i>s.</i> 1 <i>d.</i>	
INCIDENTAL :	
RECEIPTS IN AID OF REVENUE :	
Fines and forfeitures - - - - -	3,189 15 4
Total Amount of Receipts in Aid of Revenue, in sterling, 2,278 <i>l.</i> 8 <i>s.</i> 1 <i>d.</i>	
Balance due the public treasurer - - - - -	705 18 7
Note.— <i>Vide</i> 1824.	
TOTAL REVENUE - - - £.	25,088 15 3

EXPENDITURE, 1827.

			<i>Jamaica Cy.</i>		
			<i>£. s. d.</i>		
Arrears of Expenditure of last year	-	-	499	4	1
ORDINARY AND FIXED EXPENSE OF THE DEPARTMENTS OF GOVERNMENT:					
			<i>£. s. d.</i>		
His Majesty's superintendent	-	-	1,000	-	-
Chaplain	-	-	420	-	-
Church clerk	-	-	70	-	-
Schoolmaster	-	-	32	-	-
Sexton	-	-	30	-	-
Public pensions	-	-	125	-	-
Pay of men in Government schooner	-	-	68	10	-
Allowance in aid of subscriptions to the free-school	-	-	-	-	-
Public treasurer not to exceed	-	-	1,000	-	-
Agent in London	-	-	337	-	-
Contractor for the lighthouse 400 <i>l.</i> per annum	-	-	345	-	-
King's advocate	-	-	50	-	-
In all, Expense of Civil Establishment	-	-	3,477	10	-
Total Amount of Expense of Civil Establishment, in sterling, 2,483 <i>l.</i> 18 <i>s.</i> 7 <i>d.</i>					
DISBURSEMENTS ON ACCOUNT OF MISCELLANEOUS CIVIL SERVICES.					
Office of Police:					
Amount of magistrates' orders for fees, &c., in this department	£.	485	-	-	
Paid gaol allowance for support of prisoners	-	471	5	10	
Clerk of Court:					
Amount of magistrates' orders for fees, &c., in this department	1,002	-	11		
Provost Marshal-general:					
Amount of magistrates' orders for fees, &c., in this department	171	17	6		
Public Works	13,350	10	7		
Hospital Expenses	476	-	6		
Miscellaneous Disbursements:					
Payment on account of interest and trusts and debts due by the public	30	8	-		
Amount disbursements (miscellaneous) for 1827, including printing establishment	2,701	19	3		
Accidental and Extraordinary:					
Expenses incurred in the mission to Guatemala	50	-	-		
Poyaisian emigrants	6	-	-		
In all, Miscellaneous Disbursements	18,745	2	7		
Total Amount of Miscellaneous Disbursements, in sterling, 13,389 <i>l.</i> 6 <i>s.</i> 7 <i>d.</i>					
MILITARY DISBURSEMENTS:					
Ordinary:					
Paid adjutant of the Prince Regent's Royal Hon-					
duras Militia	£.	77	3	4	
Paid two drill serjeants for ditto	3	10	-		
Paid on account of militia clothing	1,510	1	1		
Paid on account of Christmas guards	231	-	10		
	1,821	15	3		
Total Amount of Ordinary Military Disbursements, in sterling, 1,301 <i>l.</i> 5 <i>s.</i> 2 <i>d.</i>					
Contingent:					
Paid for cleaning, repairing and storing militia arms	£.	156	13	4	
Paid public storekeeper for minding militia clothing	126	6	8		
Detachment 2d West India Regiment up River Belize for conveyance of provisions, &c.	262	3	4		
	545	3	4		
Total Amount of Contingent Military Disbursements, in sterling, 389 <i>l.</i> 8 <i>s.</i> 1 <i>d.</i>					
In all, Military Disbursements	2,366	18	7		
Total Amount of Military Disbursements, in sterling, 1,690 <i>l.</i> 13 <i>s.</i> 3 <i>d.</i>					
TOTAL EXPENDITURE			£.	25,088	15 3

REVENUE, 1828.

Arrears of Revenue last Year:		Sterling.		
		£.	s.	d.
Amount of balances due on the treasurer's books by sundry persons, on account of duties and taxes to 31st December, exclusive of sundry small demands of long standing for fines, &c. against persons unable to pay; also all balances due on deposits of estates, &c. - - - - -		9,511 10 5		
FIXED:				
Amount of monies collected by the treasurer on account of the permanent duties and taxes for the past year, from 1st January to 31st December 1828 - - - - -		£. 9,546 13 10		
Total Fixed Revenue - - - - -		9,546 13 10		
INCIDENTAL:				
Deposited in the treasury on account of estates - - - - -		965 15 8½		
Total Incidental Revenue - - - - -		965 15 8½		
RECEIPTS IN AID OF REVENUE:				
Fines and forfeitures - - - - -		104 15 7		
Public property sold - - - - -		36 3 9½		
Total Incidental Receipts - - - - -		140 19 4½		
Balance due to the public treasurer - - - - -		106 13 7¼		
Note.—Vide 1824.				
TOTAL REVENUE - - - - -		£. 10,760 2 6½		

EXPENDITURE, 1828.

				Sterling.		
				£.	s.	d.
Arrears of Expenditure of last year - - - - -				504	4	8
ORDINARY AND FIXED EXPENSE OF THE DEPARTMENTS OF GOVERNMENT:						
His Majesty's superintendent	-	-	-	£. 714	5	8 $\frac{1}{2}$
Chaplain	-	-	-	351	12	9
Church clerk	-	-	-	50	-	-
Schoolmaster	-	-	-	325	14	3 $\frac{1}{4}$
Organist	-	-	-	49	5	8 $\frac{1}{4}$
Sexton	-	-	-	21	8	6 $\frac{1}{4}$
Public pensions	-	-	-	82	7	7 $\frac{1}{4}$
Pay of men in Government schooner	-	-	-	54	5	8 $\frac{1}{4}$
King's advocate	-	-	-	35	14	1 $\frac{1}{2}$
Public treasurer	-	-	-	1,111	16	8 $\frac{3}{4}$
Agent in London	-	-	-	718	-	-
Contractor for the lighthouse, 400 l. per annum	-	-	-	354	19	4 $\frac{3}{4}$
Clerk of the market	-	-	-	207	3	2
Clock-keeper	-	-	-	6	10	11 $\frac{1}{4}$
Total Expense of Civil Establishment	-	-	£.	4,083	4	7 $\frac{1}{2}$
It appears that the public treasurer this year lifted the sum of 1,111 l. 16 s. 8 $\frac{3}{4}$ d., instead of 714 l. 5 s. 8 $\frac{1}{4}$ d.; but this arises from his repaying himself part of the balance, say 504 l. 4 s. 8 d., in his favour at the close of the year 1827.						
DISBURSEMENTS ON ACCOUNT OF MISCELLANEOUS CIVIL SERVICES:						
Office of Police:						
Amount of the magistrates' orders for fees, &c. in this department	-	-	£. 281	7	4 $\frac{1}{2}$	
Paid gaol allowance for support of prisoners	-	-	296	16	10 $\frac{3}{4}$	
Clerk of Courts:						
Amount of magistrates' orders for fees, &c. in this department	-	-	245	16	7	
Provost Marshal-general:						
Amount of magistrates' orders for fees, &c. in this department	-	-	125	4	2	
Public Works	-	-	2,301	-	7	
Hospital Expenses	-	-	385	2	6 $\frac{3}{4}$	
Printing Establishment	-	-	793	12	5 $\frac{1}{2}$	
Miscellaneous Disbursements:						
Payments on account of interest and trusts on debts due by the public	-	-	15	11	11	
Amount of miscellaneous disbursements for 1828, including the expense of almanack	-	-	1,196	19	6 $\frac{1}{4}$	
Accidental Extraordinary:						
Paid pilotage of His Majesty's surveying ship Kangaroo	-	-	75	8	11 $\frac{1}{4}$	
Paid ship Prince of Waterloo passage money for convict Maria	-	-	29	15	2 $\frac{3}{4}$	
Total Miscellaneous Disbursements	-	-	5,746	16	2 $\frac{3}{4}$	
MILITARY DISBURSEMENTS:						
Ordinary:						
Paid adjutant of Prince Regent's Royal Honduras Militia	-	-	74	12	10	
Paid drill serjeant for ditto	-	-	8	11	5	
Paid on account of militia clothing	-	-	375	18	- $\frac{1}{4}$	
Paid on account of Christmas guards	-	-	235	16	8	
Contingent:						
Paid for cleaning, repairing and storing militia arms	-	-	114	19	6	
Paid public keeper for minding militia clothing	-	-	120	3	2 $\frac{3}{4}$	
In all, Military Disbursements	-	-	930	1	8	
TOTAL EXPENDITURE	-	-	£.	10,760	2	6 $\frac{1}{4}$

REVENUE, 1829.

Arrears of Revenue last year :			Sterling.	
	£.	s. d.	£.	s. d.
Amount of balances due on the treasurer's books by sundry persons, on account of duties and taxes, 31st December, exclusive of sundry small demands of long standing, for fines, &c. against persons unable to pay - - - - -	1,565	9 5 $\frac{1}{2}$		
Balances due on deposits of estates - - - - -	2,340	15 6 $\frac{1}{4}$		
			3,906	4 11 $\frac{3}{4}$
FIXED :				
Amount of monies collected by the treasurer on account of the permanent duties and taxes for the past year, from 1st January to the 31st December - - - - -	11,454	1 1 $\frac{1}{2}$		
Total Fixed Revenue - - -			11,454	1 1 $\frac{1}{2}$
INCIDENTAL :				
Deposited in the treasury on account of estates - - -	207	17 1		
Cash, five per cent. to be returned - - - - -	18	14 2 $\frac{3}{4}$		
Total Incidental Revenue - - -			226	11 3 $\frac{3}{4}$
RECEIPTS IN AID OF REVENUE :				
Fines and forfeitures - - - - -	60	6 11 $\frac{1}{4}$		
This sum paid last year for the purchase of a house on English Key, and charged amongst the Miscellaneous Expenditure, now returned - - - - -	3	11 5		
Total Incidental Receipts - - -			63	18 4 $\frac{1}{4}$
Balance due to the public treasurer - - - - -			15	2 10 $\frac{1}{2}$
Note.—Vide 1824.				
TOTAL REVENUE - - -			£.	11,759 13 8

EXPENDITURE, 1829.

		Sterling.		
		£.	s.	d.
Arrears of Expenditure of last year - - - - -		106	13	8½
ORDINARY AND FIXED EXPENSE OF THE DEPARTMENTS OF GOVERNMENT:				
His Majesty's superintendent - - - - -	£.749	10	9½	
Chaplain - - - - -	192	16	-	
Church clerk - - - - -	41	1	7	
Schoolmaster - - - - -	223	13	9½	
Organist - - - - -	67	17	1½	
Sexton - - - - -	21	8	6½	
Public pensions - - - - -	47	-	5½	
Pay of men in government schooner - - - - -	54	6	3½	
King's advocate - - - - -	35	14	3½	
Allowance in aid of subscription to the free-school - - - - -	-	-	-	
Public treasurer not to exceed 1,000 l. currency - - - - -	714	5	8½	
Agent in London - - - - -	240	-	-	
Contractor for the lighthouse, 450 l. per annum - - - - -	285	10	5	
Clerk of the market - - - - -	60	5	10½	
Clock-keeper - - - - -	7	2	10½	
Keeper of the signal station at English Key - - - - -	23	16	2½	
Total Expense of Civil Establishment - - - - -	2,770	9	11½	
N.B.—The above sums are paid on account of the ordinary and fixed expenditure; for in consequence of the public debt being nearly 14,000 l. sterling, and magisterial orders in payment of every department of the public service being in circulation to the extent of upwards of 6,000 l. sterling, the treasurer has been unable to pay up the public salaries with any degree of regularity.				
DISBURSEMENTS ON ACCOUNT OF MISCELLANEOUS CIVIL SERVICES:				
Officer of Police:				
Amount of magistrates' orders for fees, &c. in department - - - - -	£.172	3	5½	
Paid gaol allowance for support of prisoners - - - - -	201	5	2½	
	373	8	8	
Clerk of the Court:				
Amount of magistrates' orders for fees, &c. in this department - - - - -	-	-	-	419 16 8
Provost Marshal General:				
Amount of magistrates' orders for fees in this department - - - - -	-	-	-	217 11 9½
Public works - - - - -	3,576	10	2	
Hospital expenses - - - - -	520	17	3½	
Printing establishment - - - - -	502	10	5½	
Miscellaneous Disbursements:				
Payments on account of interests and trusts due by this public, - - - - -	£.17	7	7½	
Amount of miscellaneous for 1829, including expense of almanack - - - - -	823	16	8½	
Public grant to J. W. Wright - - - - -	628	11	5	
Balance of public grant to Major-general Pye - - - - -	775	18	9	
Public grant to David Emery - - - - -	7	2	10½	
Public grant to John Hughes - - - - -	285	14	3½	
Accidental Extraordinary:				
Expense of Mr. Bennett's mission to England in 1825 - - - - -	194	7	8½	
Compensation to Mr. John Usher for a slave woman transported - - - - -	71	8	6½	
Cash, five per cent. returned - - - - -	17	15	4½	
Total Miscellaneous Disbursements - - - - -	2,822	2	8½	
MILITARY DISBURSEMENTS:				
Ordinary:				
Paid for cleaning, repairing and storing militia arms - - - - -	£.73	11	5½	
Paid public storekeeper for minding militia clothing - - - - -	100	-	-	
Paid adjutant Prince Regent's Royal Honduras militia - - - - -	65	3	6½	
Paid on account of Christmas Guards - - - - -	163	11	6½	
Contingent:				
Paid on account of militia appointments, pipeclay, heelballs, &c. - - - - -	47	5	8½	
In all Military Disbursements - - - - -	449	12	3	
TOTAL EXPENDITURE - - - - -	£.	11,759	13	8

(signed) William Walsh, Public Treasurer.

REVENUE, 1830.

		Sterling.		
		£.	s.	d.
FIXED :				
Amount of monies collected by the treasurer on account of the permanent duties and taxes for the past year, from 1st Jan. to 31st Dec. 1830		-	-	-
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EXPENDITURE, 1830.

ORDINARY AND FIXED EXPENSE OF THE DEPARTMENTS OF GOVERNMENT :										Sterling.		
										£.	s.	d.
His Majesty's superintendent	-	-	-	-	-	-	-	-	-	* £ 1,428	11	5½
Chaplain	-	-	-	-	-	-	-	-	-	368	15	2½
Church clerk	-	-	-	-	-	-	-	-	-	75	17	10½
Schoolmaster	-	-	-	-	-	-	-	-	-	315	4	9¾
Organist	-	-	-	-	-	-	-	-	-	71	8	6¾
Sexton	-	-	-	-	-	-	-	-	-	24	5	8¼
Public pensions	-	-	-	-	-	-	-	-	-	53	2	3½
Pay of men in government schooner	-	-	-	-	-	-	-	-	-	54	13	5½
King's advocate	-	-	-	-	-	-	-	-	-	107	2	10¼
Public treasurer	-	-	-	-	-	-	-	-	-	714	5	8¾
Contractor for lighthouse	-	-	-	-	-	-	-	-	-	569	2	10¼
Clerk of the market	-	-	-	-	-	-	-	-	-	437	10	-
Clock and organ-keeper	-	-	-	-	-	-	-	-	-	71	8	6½
Keeper of signal-station	-	-	-	-	-	-	-	-	-	23	16	2¾
Searcher	-	-	-	-	-	-	-	-	-	36	8	1½
Schoolmistress	-	-	-	-	-	-	-	-	-	35	14	3½
Total Expense of Civil Establishment										4,387 7 11½		
DISBURSEMENTS ON ACCOUNT OF MISCELLANEOUS CIVIL SERVICES:												
Officer of Police :												
Amount of magistrates' order paid for fees in this department	-	-	-	-	-	-	-	-	-	821	18	8¼
Paid gaol allowance for support of prisoners	-	-	-	-	-	-	-	-	-	419	-	4½
Clerk of the Court :												
Amount of magistrates' order for fees in this department	-	-	-	-	-	-	-	-	-	784	11	11½
Provost Marshal General :												
Amount of magistrates' order for fees in this department	-	-	-	-	-	-	-	-	-	318	12	3½
Public works	-	-	-	-	-	-	-	-	-	4,535	6	11½
Hospital expenses	-	-	-	-	-	-	-	-	-	399	19	2½
Miscellaneous Disbursements :												
Payments on account of interests and trusts by the public	-	-	-	-	-	-	-	-	-	594	7	10¼
Surveying vessel	-	-	-	-	-	-	-	-	-	202	2	3¼
Almanack	-	-	-	-	-	-	-	-	-	165	13	7½
Drawback	-	-	-	-	-	-	-	-	-	377	13	6¼
Public grant to General Pye	-	-	-	-	-	-	-	-	-	397	4	10¼
Public grant to Colonel M'Donald	-	-	-	-	-	-	-	-	-	807	10	9¾
Miscellaneous for 1830	-	-	-	-	-	-	-	-	-	279	6	9½
Total Miscellaneous Disbursements										10,103 9 2½		
MILITARY DISBURSEMENTS :												
Ordinary :												
Paid for cleaning and repairing arms	-	-	-	-	-	-	-	-	-	92	17	1½
Paid storekeeper for minding clothing	-	-	-	-	-	-	-	-	-	100	-	½
Adjutant salaries	-	-	-	-	-	-	-	-	-	73	16	9¼
Expense of Christmas guard	-	-	-	-	-	-	-	-	-	146	5	7¾
Contingent :												
Paid on account of militia clothing	-	-	-	-	-	-	-	-	-	893	6	2½
Repairs of - - - ditto	-	-	-	-	-	-	-	-	-	6	5	-
Ditto - of accoutrements	-	-	-	-	-	-	-	-	-	9	5	8½
Orderlies	-	-	-	-	-	-	-	-	-	10	16	8
In all Military Disbursements										1,332 13 1½		
TOTAL EXPENDITURE										£.	15,823	10 3½

* The increase in the charge for the superintendent's salary arises from the discontinuance of a sum of 500*l.* per annum, hitherto paid by the Treasury in England, in addition to the colonial allowance and its transfer to the settlement.

REVENUE, 1831.

		Sterling.		
		£.	s.	d.
Arrears of Revenue last Year :				
Amount of balances due on the treasurer's book by sundry persons on account of duties and taxes, 31st December, inclusive of sundry small demands of long standing for fines, &c. against persons unable to pay, also all balances due on deposit of estates - - - - -		3,123	10	11 $\frac{3}{4}$
FIXED :				
Amount of monies collected by the treasurer on account of the permanent duties and taxes for the last year, from 1st January to 31st December 1831 - - - - -		£.13,756	14	5
Total Fixed Revenue - - -		13,756	14	5
RECEIPTS IN AID OF REVENUE :				
Fines and forfeitures - - - - -		86	13	4
Cash borrowed for public service - - - - -		100	-	-
Total Incidental Receipts - - -		186	13	4
Note.— <i>Vide</i> 1824.				
TOTAL REVENUE - - - £.		13,943	7	9

EXPENDITURE, 1831.

			Sterling.		
			£.	s.	d.
Arrears of Expenditure of last Year - - - - -			124	7	1
ORDINARY AND FIXED EXPENSE OF THE DEPARTMENTS OF GOVERNMENT:					
His Majesty's superintendent's salary is 1,428 l. 1 s. 11 $\frac{1}{4}$ d. per annum - - - - -	£. 1,071	8	6 $\frac{1}{2}$		
Chaplain 400 l. per annum - - - - -	391	6	2		
Church clerk - - - - -	60	14	3		
Sexton - - - - -	24	5	8		
Schoolmaster - - - - -	228	11	5 $\frac{1}{4}$		
Schoolmistress, 71 l. 8 s. 6 d. - - - - -	53	11	5 $\frac{1}{4}$		
Organist - - - - -	71	8	6		
King's advocate - - - - -	214	5	8 $\frac{1}{2}$		
Public treasurer - - - - -	714	5	8 $\frac{1}{2}$		
Agent in London, 300 l. - - - - -	142	15	4		
Interpreter - - - - -	110	5	4		
Pay of men in Government schooner - - - - -	53	19	2		
Clerk of the market - - - - -	250	-	-		
Keeper of the signal station - - - - -	24	10	5 $\frac{1}{2}$		
Contractor for light-house - - - - -	235	14	3 $\frac{1}{2}$		
Searcher - - - - -	35	14	3 $\frac{1}{2}$		
Public grant of His Majesty's superintendent, to furnish Government house - - - - -	357	2	10 $\frac{1}{2}$		
Paid on account of public pensions - - - - -	113	-	1		
Total Expense of Civil Establishment			4,152	19	6 $\frac{1}{2}$
DISBURSEMENTS ON ACCOUNT OF MISCELLANEOUS CIVIL SERVICES:					
Officer of Police:					
Amount of magistrates' orders for salary and fees in this department	271	6	6 $\frac{1}{2}$		
Amount of magistrates' orders for allowance for prisoners' support	659	8	1		
Gaoler:					
Amount of magistrates' orders for fees in this department - - - - -	-	-	930	14	7 $\frac{1}{2}$
			340	18	5 $\frac{1}{2}$
Clerks of Court:					
Amount of magistrates' orders for salary and fees - - - - -	-	-	510	1	10 $\frac{1}{2}$
Provost Marshal General:					
Amount of magistrates' orders for salary and fees in this department - - - - -	-	-	278	10	10
Public Works:					
Amount of magistrates' orders - - - - -	3,650	15	6 $\frac{1}{2}$		
Amount of repairs for free school - - - - -	289	5	8		
			3,940	1	3
Hospital:					
Amount of expenses in this department - - - - -	-	-	255	15	5 $\frac{1}{2}$
Miscellaneous:					
Amount of interests and trusts paid - - - - -	540	13	7 $\frac{1}{4}$		
Amount paid for drawbacks - - - - -	860	5	5 $\frac{1}{2}$		
Amount of magistrate's order for stationery - - - - -	220	-	2 $\frac{1}{2}$		
Amount of ditto for post-office expenses - - - - -	49	18	2 $\frac{1}{4}$		
Amount of magistrate's orders which have been paid and cannot be enumerated under any particular head - - - - -	169	9	10 $\frac{1}{4}$		
Total Miscellaneous Disbursements			1,840	7	3 $\frac{1}{2}$
MILITARY DISBURSEMENTS:					
Ordinary:					
Amount of magistrate's order for storage of militia arms - - - - -	128	11	5 $\frac{1}{4}$		
Ditto, ditto for militia clothing - - - - -	100	-	-		
Amount of cost for Christmas guards - - - - -	146	14	6 $\frac{1}{2}$		
Amount of three adjutants' pay - - - - -	160	3	6 $\frac{1}{2}$		
Amount of magistrates' orders for repairing New Town Barracks	714	5	8 $\frac{1}{2}$		
Contingent:					
Amount of magistrates' orders for cleaning and repairing militia arms - - - - -	43	13	9 $\frac{1}{2}$		
Amount of ditto for repairing clothing - - - - -	11	18	1 $\frac{1}{2}$		
Ditto, ditto for regimental clerk - - - - -	10	-	-		
Ditto, ditto, for militia orderlies - - - - -	16	3	9 $\frac{1}{2}$		
Total Military Disbursements			1,331	10	11 $\frac{1}{2}$
ACCIDENTAL AND EXTRAORDINARY:					
Amount of magistrates' orders for subsistence of John Graham, a maniac - - - - -	32	15	11 $\frac{1}{2}$		
Amount of magistrates' orders for expenses incurred to prevent spreading of small-pox - - - - -	12	10	-		
Amount of magistrates' orders for mission to Peten - - - - -	23	7	10 $\frac{1}{2}$		
			68	13	9 $\frac{1}{2}$
Balance in hands of public treasurer - - - - -	-	-	169	6	6 $\frac{1}{2}$
TOTAL EXPENDITURE - - - - -	£.		13,943	7	9

REVENUE, 1832.

Arrears of Revenue last Year :		Sterling.		
		£.	s.	d.
Amount of balances due on the treasurer's books by sundry persons, on account of duties and taxes, 31st December, exclusive of sundry small demands for fines, &c., against persons unable to pay ; also all balances due on deposit of estates	- - - - -	2,138	12	11
FIXED :				
Amount of monies collected by the treasurer on account of the permanent duties and taxes for the last year, from 1st January to 31st December 1832	-	16,824	8	11 $\frac{1}{7}$
RECEIPTS IN AID OF REVENUE :				
Fines and Forfeitures	- - - - -	24	14	7
Balance due the public Treasurer	- - - - -	148	15	3 $\frac{5}{7}$
Total Revenue		16,997	18	9 $\frac{6}{7}$

Note.—*Vide* 1824.

EXPENDITURE, 1832.

ORDINARY AND FIXED EXPENSE OF THE DEPARTMENTS OF GOVERNMENT:

Sterling.

£. s. d.

His Majesty's superintendent's salary, 1,428 l. 1 s. 11 $\frac{1}{4}$ d. per annum	£. 1,357	2	10 $\frac{3}{4}$
Chaplain, 400 l.	337	7	1
Church clerk	60	14	3 $\frac{3}{4}$
Sexton	24	16	5 $\frac{1}{4}$
Schoolmaster	228	11	5 $\frac{1}{4}$
Schoolmistress	88	5	9 $\frac{3}{4}$
Organist	71	8	6 $\frac{3}{4}$
King's advocate	134	3	11 $\frac{1}{4}$
Public treasurer	714	5	8 $\frac{3}{4}$
Agent in London, 300 l. per annum	1,342	15	— $\frac{3}{4}$
Interpreter	71	8	6 $\frac{3}{4}$
Pay of men in Government schooner	41	15	8 $\frac{3}{4}$
Keeper of signal station	23	16	2 $\frac{3}{4}$
Clerk of the market	250	—	—
Contractor of lighthouse	192	10	—
Searcher	35	14	3 $\frac{3}{4}$
Grant to His Majesty's superintendent, to furnish Government house, on account	571	8	6 $\frac{3}{4}$
Balance of grant to Mr. Young (agent)	235	14	3 $\frac{3}{4}$
Pensions	56	13	11 $\frac{1}{4}$
Total Expense of Civil Establishment			

5,838 12 8 $\frac{1}{4}$

DISBURSEMENTS ON ACCOUNT OF MISCELLANEOUS CIVIL SERVICES:

Office of Police:

Amount of magistrates' orders for salary and fees in this department, paid	255	6	6 $\frac{3}{4}$
Amount of magistrates' orders for allowance for support of prisoners	498	17	6

754 4 — $\frac{3}{4}$

Gaoler:

Amount of magistrate's order for fees in this department	—	—	—
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307 7 8 $\frac{3}{4}$

Clerk of Courts:

Amount of magistrates' orders for salary and fees	—	—	—
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904 3 7 $\frac{3}{4}$

Provost Marshal General:

Amount of magistrates' orders for salary and fees	—	—	—
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558 7 — $\frac{3}{4}$

Public Works:

Amount of magistrates' orders for this department	—	—	—
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3,508 18 6 $\frac{3}{4}$

Hospital:

Amount of expenses in this department	—	—	—
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422 10 —

Miscellaneous:

Amount of magistrates' orders for interest and trust	50	7	8 $\frac{1}{4}$
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Amount of magistrates' orders for drawbacks	817	12	3 $\frac{3}{4}$
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Amount of magistrates' orders for stationery, books, &c., for public offices	159	2	1
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Amount of post-office expenses	58	10	— $\frac{3}{4}$
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Amount of arrears for rent of secretary's office	476	15	8 $\frac{3}{4}$
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Amounts which cannot be enumerated	307	9	7
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Total Miscellaneous Disbursements

1,869 17 5 $\frac{3}{4}$

MILITARY DISBURSEMENTS:

Ordinary:

Amount of magistrate's order for storage of militia clothing	50	—	—
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Amount for storage of militia arms	64	5	8 $\frac{3}{4}$
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Amount of magistrate's order for Christmas guards	161	3	11 $\frac{1}{4}$
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Amount of pay for three adjutants, militia	118	11	5 $\frac{1}{4}$
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Contingent:

Amount of magistrate's order for cleaning and repairing militia arms	14	5	8 $\frac{3}{4}$
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Amount for cleaning and repairing clothing	9	2	1 $\frac{3}{4}$
--	---	---	-----------------

Amount for militia clerk	14	5	8 $\frac{3}{4}$
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Amount for militia orderlies	7	11	2 $\frac{3}{4}$
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Amount for militia clothing	1,819	5	4 $\frac{3}{4}$
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Total Military Disbursements

2,258 11 2 $\frac{3}{4}$

ACCIDENTAL AND EXTRAORDINARY:

Amount of magistrate's order for passage of Graham to England	71	8	6 $\frac{3}{4}$
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Amount of - - ditto - for mission to Peten	45	6	6
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Amount of - - ditto - for expenses incurred for preventing the introduction of contagious diseases	328	4	3 $\frac{3}{4}$
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Amount of magistrate's order for presents to Musquito king	23	3	3 $\frac{3}{4}$
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Amount of prize money to the estate of T. Isles, returned from public chest	107	3	10 $\frac{3}{4}$
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575 6 6

TOTAL EXPENDITURE - - - £. 16,997 18 9 $\frac{3}{4}$

(signed) W. Walsh, Treasurer.

REVENUE, 1833.

		Sterling.		
		£.	s.	d.
Arrears of Revenue of last Year :				
Amount of balances due on the treasurer's books by sundry persons on account of duties and taxes, 31st December, exclusive of sundry small demands of long standing, for fines, &c. against persons unable to pay; also all balances due on deposit of estates		4,687	1	1
FIXED :				
Amount of monies collected by the treasurer on account of the permanent duties and taxes for the last year, from 1st January to 31st December 1833		£. 11,905	-	1
Total Fixed Revenue		11,905	-	1
INCIDENTAL :				
Sales of public property		20	10	4 $\frac{2}{7}$
Total Incidental Revenue		20	10	4 $\frac{2}{7}$
RECEIPTS IN AID OF REVENUE :				
Fines and forfeitures		181	18	1 $\frac{1}{7}$
Borrowed for public service		307	2	10 $\frac{2}{7}$
Deposits on account of estates		214	5	8 $\frac{4}{7}$
Total Incidental Receipts		703	6	8
Balance due on Treasurer's books		4,322	-	8
Note.— <i>Vide</i> 1824.				
TOTAL REVENUE		£. 16,950	17	9 $\frac{2}{7}$

EXPENDITURE, 1833.

Sterling.

£. s. d.
148 15 4 $\frac{2}{3}$

Arrears of Expenditure of last Year - - - - -

ORDINARY AND FIXED EXPENSE OF THE DEPARTMENTS OF GOVERNMENT:

His Majesty's superintendent's salary	-	-	-	-	-	£. 1,428	11	5 $\frac{1}{2}$
Chaplain's salary	-	-	-	-	-	335	14	3 $\frac{2}{3}$
Sexton	-	-	-	-	-	24	11	8
Church clerk	-	-	-	-	-	60	14	3 $\frac{2}{3}$
Free schools	-	-	-	-	-	374	12	6
Organist	-	-	-	-	-	71	8	6 $\frac{2}{3}$
King's advocate	-	-	-	-	-	107	2	10 $\frac{2}{3}$
Treasurer's salary	-	-	-	-	-	714	5	8 $\frac{2}{3}$
Agent in London	-	-	-	-	-	540	-	-
Interpreter	-	-	-	-	-	142	17	1 $\frac{2}{3}$
Crew of Government Schooner	-	-	-	-	-	108	18	6 $\frac{2}{3}$
Clerk of the market	-	-	-	-	-	250	-	-
Keeper of signal station	-	-	-	-	-	23	16	2 $\frac{2}{3}$
Searchers	-	-	-	-	-	35	14	3 $\frac{2}{3}$
Lighthouse keepers	-	-	-	-	-	200	-	-
Pensions	-	-	-	-	-	209	-	10

Total Expense of Civil Establishment - - -

4,627 8 4

DISBURSEMENTS ON ACCOUNT OF MISCELLANEOUS CIVIL SERVICES:

Magistrates' orders for salaries, fees, &c.—office of police	-	334	2	5 $\frac{2}{3}$
Ditto - - - for allowances for support of prisoners	-	562	9	6 $\frac{2}{3}$
Ditto - - - for fees to the gaoler	-	402	7	11
Ditto - - - for fees to clerk of courts	-	644	14	- $\frac{4}{3}$
Ditto - - - for fees to provost marshal	-	381	12	10 $\frac{2}{3}$
Ditto - - - for public works	-	5,108	13	1 $\frac{1}{2}$
Ditto - - - for salaries and expenses of public hospital	-	374	2	11
Ditto - - - for payment of interests and trusts	-	34	10	5 $\frac{2}{3}$
Ditto - - - for drawbacks	-	1,584	19	4 $\frac{2}{3}$
Ditto - - - for stationery, books and printing	-	99	10	5
Ditto - - - for post office expenses	-	66	15	10
Ditto - - - for rent of secretary's office	-	267	17	1 $\frac{2}{3}$
Ditto - - - for miscellaneous purposes	-	219	6	7 $\frac{2}{3}$
Ditto - - - for quarantine expenses	-	906	19	10 $\frac{2}{3}$
Ditto - - - for presents to Musquito Indians	-	21	4	10 $\frac{1}{2}$
Ditto - - - for purchase of Slave Rose, for her freedom	-	7	2	10 $\frac{2}{3}$
Amount of magistrates' order for David Emery (public grant)	-	192	4	6 $\frac{2}{3}$
Ditto - - ditto - - for J. A. Carmichael (public grant)	-	82	2	10 $\frac{2}{3}$
Money borrowed for public service, repaid	-	214	5	8 $\frac{2}{3}$
Interest and premiums on money	-	64	13	8 $\frac{2}{3}$

Total Miscellaneous Disbursements - - -

11,569 17 - $\frac{2}{3}$

MILITARY DISBURSEMENTS:

Ordinary:

Amount of magistrates' order for storing militia arms	-	85	14	3 $\frac{2}{3}$
Ditto - - ditto - - for militia clothing	-	100	-	-
Ditto - - ditto - - for Christmas guards	-	234	15	2 $\frac{2}{3}$
Ditto - - ditto - - for adjutant's pay	-	100	14	3 $\frac{2}{3}$
Ditto - - ditto - - for regimental clerk's pay	-	10	9	6 $\frac{2}{3}$

Contingent:

Amount of magistrates' order for cleaning and repairing arms and clothing	-	32	7	7 $\frac{2}{3}$
Amount of magistrates' order for pay of orderly serjeants	-	14	5	2 $\frac{2}{3}$
Ditto - - ditto - - for military appointments	-	26	10	10

In all Military Disbursements - - -

604 17 - $\frac{2}{3}$ TOTAL EXPENDITURE - - - £. 16,950 17 9 $\frac{2}{3}$

REVENUE, 1834.

		Sterling.		
		£.	s.	d.
Arrears of Revenue of last Year - - - - -		7,324	9	8
FIXED :				
Amount of monies collected by the treasurer on account of the permanent taxes and duties for the last year, from 1st Jan. to 31 Dec. 1834 - - - - -		£.17,441	5	- $\frac{5}{4}$
Total Fixed Revenue - - -		17,441	5	- $\frac{5}{4}$
INCIDENTAL :				
RECEIPTS IN AID OF REVENUE :				
Fines and forfeitures - - - - -		61	8	6 $\frac{5}{4}$
Hire of public boat - - - - -		4	9	3 $\frac{3}{4}$
Total Incidental Receipts - - -		65	17	10 $\frac{2}{4}$
TOTAL REVENUE- - - - £.		17,507	2	11

Note.—Vide 1824

EXPENDITURE, 1834.

				Sterling.		
				£.	s.	d.
Arrears of Expenditure of last Year - - - - -						
ORDINARY AND FIXED EXPENSE OF THE DEPARTMENTS OF GOVERNMENT:						
His Majesty's superintendent's salary - - - - -	£.	1,428	11	5	$\frac{1}{2}$	
Chaplain - - - - -		335	14	3		
Church clerk - - - - -		60	14	3		
Sexton - - - - -		28	-	8		
Free schools - - - - -		387	2	10	$\frac{1}{2}$	
Organist - - - - -		71	8	6	$\frac{1}{2}$	
King's advocate - - - - -		204	10	5	$\frac{1}{2}$	
Public treasurer - - - - -		714	5	8	$\frac{1}{2}$	
Agent in London - - - - -						
Interpreter - - - - -		142	17	1	$\frac{1}{2}$	
Pay of men in Government schooner - - - - -		357	4	-		
Clerk of market - - - - -		250	-	-		
Keeper of signal stations - - - - -		23	15	2	$\frac{1}{2}$	
Searcher - - - - -		35	14	3	$\frac{1}{2}$	
Contractor of lighthouse - - - - -		197	6	5	$\frac{1}{2}$	
Pensions - - - - -		337	5	2	$\frac{1}{2}$	
Total Expense of Civil Establishment - - - - -				4,574	11	8
DISBURSEMENTS ON ACCOUNT OF MISCELLANEOUS CIVIL SERVICES:						
Officer of Police:						
Salary and fees in this department - - - - -		380	4	8	$\frac{1}{2}$	
Allowance for support of prisoners - - - - -		531	19	-		
Gaoler:						
Fees in this department - - - - -		435	19	2		
Clerk of Courts:						
Salary and fees in this department - - - - -		1,409	11	5	$\frac{1}{2}$	
Provost Marshal General:						
Fees in this department - - - - -		774	13	3	$\frac{1}{2}$	
Public Works:						
Magistrates' orders for this department - - - - -		5,371	4	-		
Hospital:						
Magistrates' orders for salaries and expenses for this department - - - - -		336	14	1	$\frac{1}{2}$	
Miscellaneous:						
Magistrates' orders on account of instalments and trusts - - - - -		790	8	10	$\frac{1}{2}$	
Ditto - - - for drawbacks - - - - -		431	1	10	$\frac{1}{2}$	
Ditto - - - for printing and stationery - - - - -		122	19	6	$\frac{1}{2}$	
Ditto - - - for post-office expenses - - - - -		62	10	5	$\frac{1}{2}$	
Ditto - - - for rent of secretary's office - - - - -		250	-	-		
Ditto - - - that have no particular heads - - - - -		451	12	8	$\frac{1}{2}$	
Total Miscellaneous Disbursements - - - - -				11,348	19	2 $\frac{1}{2}$
ACCIDENTAL AND EXTRAORDINARY:						
Magistrates' orders for preventing cholera - - - - -		354	8	8	$\frac{1}{2}$	
Premiums for cash for public services - - - - -		56	17	10	$\frac{1}{2}$	
Total Accidental and Extraordinary Disbursements - - - - -				411	6	6 $\frac{1}{2}$
MILITARY DISBURSEMENTS:						
Ordinary:						
Magistrates' orders for storage militia arms - - - - -		85	14	3	$\frac{1}{2}$	
Ditto - - - for storage militia clothing - - - - -		100	-	-		
Ditto - - - for Christmas guards - - - - -		238	13	9	$\frac{1}{2}$	
Ditto - - - for adjutant's pay - - - - -		100	11	10		
Ditto - - - for regimental clerk's pay - - - - -		12	17	1	$\frac{1}{2}$	
Contingent:						
Magistrates' order for cleaning militia arms and clothing - - - - -		28	11	5	$\frac{1}{2}$	
Ditto - - - for pay of orderly serjeants - - - - -		13	16	9	$\frac{1}{2}$	
Ditto - - - for purchase of clothing - - - - -		39	-	11	$\frac{1}{2}$	
Total Military Disbursements - - - - -				619	6	2 $\frac{1}{2}$
Balance in favour of the Public this year - - - - -				552	19	3 $\frac{1}{2}$
TOTAL EXPENDITURE - - - - -	£.			17,507	2	11

REVENUE, 1835.

		Sterling.		
		£.	s.	d.
Arrears of Revenue of last Year - - - - -		10,632	7	1 $\frac{1}{2}$
FIXED:				
Amount of monies collected by the treasurer on account of the permanent taxes and duties for the last year, from 1st January to 31st December 1835,		£. 17,849 1 8		
Total Fixed Revenue - - -		17,849	1	8
INCIDENTAL:				
RECEIPTS IN AID OF REVENUE:				
Fines and forfeitures - - - - -		£. 30 15 2 $\frac{1}{2}$		
Deposits on account of estates in trust - - - - -		188 5 4 $\frac{2}{3}$		
Total Incidental Receipts - - -		219	-	6 $\frac{2}{3}$
Note.— <i>Vide</i> 1824.				
TOTAL REVENUE - - -		£.	18,068	2 2 $\frac{1}{2}$

425

EXPENDITURE, 1835.

			Sterling.		
			£.	s.	d.
Arrears of Expenditure of last Year - - - - -					
ORDINARY AND FIXED EXPENSE OF THE DEPARTMENTS OF GOVERNMENT :					
His Majesty's superintendent's salary - - - - -	£. 1,428	11	5	1	
Chaplain - - - - -	335	10	3	1	
Church clerk - - - - -	60	14	3	1	
Sexton - - - - -	35	14	3	1	
Honduras Free School - - - - -	335	14	3	1	
Organist - - - - -	89	5	8	1	
King's advocate - - - - -	147	2	3	1	
Treasurer's salary - - - - -	714	5	8	1	
Agent in London - - - - -	468	-	-	-	
Interpreter - - - - -	142	17	1	1	
Pay of crew of Government schooner - - - - -	342	17	1	1	
Clerk of the market - - - - -	250	-	-	-	
Keeper of signal station - - - - -	23	16	2	1	
Searcher - - - - -	35	14	3	1	
Contractor of lighthouse - - - - -	188	7	10	1	
Public pensioners - - - - -	154	10	4	1	
Total Expense of Civil Establishment - - - - -			4,853	1	3
DISBURSEMENTS ON ACCOUNT OF MISCELLANEOUS CIVIL SERVICES :					
Officer of Police :					
Magistrates' orders for salary and fees in this department - - - - -	£. 372	3	1	6	
Ditto - - - for allowances for support of prisoners - - - - -	566	19	7	-	
Gaoler :					
Magistrates' orders for fees in this department - - - - -	547	4	7	1	
Special Police :					
Expenses of this department - - - - -	1,097	1	10	1	
Clerk of Courts and Keeper of Records :					
Magistrates' orders for salary and fees in this department - - - - -	935	13	8	1	
Provost Marshall General :					
Magistrates' orders for fees in this department - - - - -	447	15	3	1	
Public Works :					
Magistrates' orders for this department - - - - -	4,360	4	9	1	
Hospital :					
Amount of magistrates' orders for salaries and expenses in this department - - - - -	432	4	9	6	
Miscellaneous :					
Magistrates' orders on account of interest and trust - - - - -	581	15	3	-	
Ditto - - - for drawbacks - - - - -	529	11	2	1	
Ditto - - - for printing and stationery - - - - -	527	8	6	1	
Ditto - - - for past expenses - - - - -	67	-	7	1	
Ditto - - - for rent of secretary's office - - - - -	214	5	8	1	
Ditto - - - that have no particular heads - - - - -	221	6	7	1	
Total Miscellaneous Disbursements - - - - -			10,900	15	8
ACCIDENTAL AND EXTRAORDINARY :					
Expenses of saving the crew of His Majesty's schooner Firefly when wrecked - - - - -	80	16	8	-	
Expenses attending Mr. Miller's mission to England - - - - -	183	16	9	1	
Total Accidental and Extraordinary - - - - -			264	13	5
MILITARY DISBURSEMENTS :					
Ordinary :					
Magistrates' orders for storing militia arms - - - - -	114	5	8	1	
Ditto - - - for storing militia clothing - - - - -	100	-	-	-	
Ditto - - - for Christmas guards - - - - -	203	9	-	4	
Ditto - - - for adjutant's pay - - - - -	100	14	3	1	
Ditto - - - for regimental clerks' pay - - - - -	10	14	3	1	
Contingent :					
Magistrates' orders for cleaning and repairing militia arms and clothing - - - - -	7	10	-	-	
Magistrates' orders for pay of orderly serjeants - - - - -	10	16	8	-	
In all, Military Disbursements - - - - -			547	10	-
Balance in favour of Public - - - - -			1,502	1	9
TOTAL EXPENDITURE - - - - -	£.		18,068	2	4

HONDURAS.

ACCOUNT of the EXPENSES of the GOVERN-
MENT of *Honduras* defrayed by TAXES raised
on the Inhabitants of that Settlement, from the
beginning of the Year 1824 down to the present
period, so far as the same can be made out.

(*Mr. Grole.*)

Ordered, by The House of Commons, to be Printed,
19 August 1836.

HONDURAS.

RETURN to an Order of the Honourable The House of Commons,
dated 17 February 1836;—for,

RETURN of Copies of the AUTHORITIES under which certain OFFICERS took the Command of His Majesty's Troops at *Honduras, Van Diemen's Land, and New South Wales, &c. &c.*; also, Copy of the WRITING under The King's Sign Manual, relative to the Removal of Lieutenant-colonel *Bradley* from the Army in the Year 1820.

War Office, }
24 March 1836. }

HOWICK.

A COPY of all the AUTHORITIES under which the following Officers took the Command of the King's Troops at Honduras: Colonel John N. Smith, from 1809 to 1814; Major Arthur, from 1814 to 1815; the same, as Lieutenant-colonel, from 1815 to 1819; the same, as Lieutenant-colonel, from October 1819 to March 1820; the same, as Colonel, from March 1820 to April 1822; Major-general Pye, from April 1822 to November 1823; Major-general Codd, from November 1823 to 1829; Lieutenant-colonel Macdonald, Royal Artillery, 1829; Lieutenant-colonel Cockburn, 2d West India Regiment, from 1829 to August 1835.

A Copy of any Authority under which Lieutenant-colonel George Arthur held the Command of the King's Troops at Van Diemen's Land, from the year 1823 to 1835.

A Copy of Major-general Bourke's Commission as Commander of the Forces in New South Wales.

A Copy of any Writing under the King's Sign Manual in 1820, relative to the removal of Lieutenant-colonel Bradley from the Army.

1. WITH regard to Lieutenant-colonel J. N. Smith, who commanded the troops at Honduras from 1809 to 1814, the authority under which that officer exercised the command will be found in the Enclosure hereunto annexed, No. 1, which has already been laid before Parliament, Session 1826-27, No. 37.

2. So with respect to the authority under which Major Arthur commanded at Honduras, from 1814 to 1815. That will be found in Enclosure, No. 2, hereunto annexed, already laid before Parliament, Session 1826-27, No. 37.

It was under the same authority (Enclosure, No. 2,) that Lieutenant-colonel Arthur exercised the command from 1815 to 1819, and from October 1819 to March 1820.

It was under the same authority (Enclosure, No. 2,) that Lieutenant-colonel Arthur exercised the command from April 1820 to April 1822, and in addition he received a letter of service from the War Office, of which Enclosure, No. 3, is a copy.

3. Major-general Pye commanded the troops from April 1822 to November 1823, under the authority of the officer administering the Government of Jamaica.

4. Major-general Codd, who held that command from November 1823 to 1829, appears to have been instructed (*vide* Enclosure, No. 4,) to hold himself under the orders of the Major-general commanding the troops in Jamaica.

5. Lieutenant-colonel Macdonald, Royal Artillery, commanded the troops in 1829, under the authority of the officer commanding the troops in Jamaica.

6. Lieutenant-colonel Cockburn exercised the command from 1829 to 1835, by virtue of his local rank of Colonel on the staff. A copy of his commission as such (Enclosure, No. 5,) is hereunto annexed.

PAPERS RELATING TO OFFICERS

7. Colonel Arthur held the command of the King's troops at Van Diemen's Land from 1823 to 1835, by virtue of a letter of service from the War Office, of which a copy is annexed, Enclosure, No. 6.

8. A copy of Major-general Bourke's letter of service on being appointed to the command at New South Wales is annexed, Enclosure, No. 7.

9. An extract from the Memoranda Paper of 24 August 1820, is annexed, Enclosure No. 8, being the only document under the King's Sign Manual which exists relative to the retirement of Lieutenant-colonel Bradley from the service.

Horse Guards, 17 March 1836.

Fitzroy Somerset.

Enclosure, No. 1.

Sir,

Kingston, Jamaica, 3 July 1814.

No. 1. REFERRING to your letter of the 1st December 1813, I have the honour to transmit to you herewith, for the information of His Royal Highness the Commander-in-chief, the copy of a letter from Colonel Smyth, signifying his preference of the lieutenant-colonelcy of the 55th regiment to the situation of superintendent of Honduras; in consequence of which I have directed Major Arthur, of the 7th West India regiment, to hold himself in readiness to proceed by the first opportunity to take the civil and military command at that settlement; the Duke of Manchester proposing to nominate that gentleman to the superintendency. Colonel Smyth on being relieved, will be ordered to join his regiment with the least possible delay.

I have, &c.

Colonel Torrens.

(signed) *F. Fuller,*
Lieut.-Gen. Commanding the Forces.

Sir,

Honduras, 10 May 1814.

I TAKE the first opportunity of replying to your letter of the 31st March last, enclosing the copy of a letter from Colonel Torrens to His Excellency Lieut.-general Fuller, dated the 1st December 1813, requiring that I should acquaint His Excellency, for the information of His Royal Highness the Commander-in-chief, my determination which situation I prefer, the lieutenant-colonelcy of the 55th regiment, or the civil superintendence of this settlement; I request you will be pleased to acquaint His Excellency that I give the preference to the lieutenant-colonelcy of the 55th regiment.

I have, &c.

Captain Hall,
Military Secretary, Jamaica.

(signed) *John Nugent Smyth,*
Colonel Commanding and Superintendent.

Enclosure, No. 2.

No. 2. By his Grace the Most Noble William Duke of Manchester, Captain-general and Governor-in-chief of this His Majesty's Island of Jamaica, and the Territories thereon depending in America, Chancellor and Vice-admiral of the same.

(L. S.)

To George Arthur, Esquire, Major in His Majesty's 7th West India Regiment.

BY virtue of the power and authority to me derived from His Most Excellent Majesty George 3, of the United Kingdom of Great Britain and Ireland, King, and of Jamaica, Lord, Defender of the Faith, &c., and reposing especial trust and confidence in your experience, courage, fidelity and discretion, I have constituted and appointed, and by these presents do constitute and appoint you, the said George Arthur, to be His Majesty's superintendent of the British settlement on the coast of Honduras. You are, therefore, as such superintendent, to take under your charge and care the interest of His Majesty's subjects there residing, and to use your utmost endeavours to prevent any cause of misunderstanding or disagreement between His Majesty's subjects and those of His Catholic Majesty inhabiting that neighbourhood; at the same time observing and following all such orders and instructions as you shall from time to time receive from His Majesty, myself, or the Governor, Lieutenant-governor, or the person executing for the time being the functions of Governor of this island, according to the trust hereby reposed in you.

Given under my hand and seal at arms, at St. Jago de la Vega, the 7th day of July, in the 54th year of His Majesty's reign, annoque Domini 1814.

(signed) *Manchester.*

By His Grace's command.

(signed) *W. Bullock, Secretary.*

COMMANDING TROOPS AT HONDURAS, &c.

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BY his Excellency Lieutenant-general *Francis Fuller*, Commander of the Forces in His Majesty's Island of Jamaica, and its Dependencies, &c. &c. &c.

(L. S.)

To Major *George Arthur*, greeting.

By virtue of the power and authority to me derived from His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty, and reposing especial trust and confidence in your experience, courage, fidelity and good conduct, I have constituted and appointed, and by these presents do constitute and appoint you, the said *George Arthur*, to command such of His Majesty's subjects, and others, as are now armed, or may hereafter arm for the defence of the settlers of the Bay of Honduras. You are therefore, as commandant, to take upon you the care and charge accordingly; and you will follow and obey all such orders and directions as you shall from time to time receive from His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty, myself, or the Commander-in-chief for the time being, according to the trust hereby reposed in you.

Given under my hand and seal at arms, at Kingston, Jamaica, the 8th day of July, in the 54th year of His Majesty's reign, annoque Domini 1814.

(signed) *F. Fuller*,

Lieut.-Gen. Com. of the Forces.

By his Excellency's command,

(signed) *H. B. Hall*, Mil. Sec.

EXTRACT of a LETTER from Lieut.-colonel *Arthur* to Major-General Sir *Henry Torrens*, dated Government House, Belize, Honduras, 27 May 1820.

"You will be aware, Sir, that my regiment, the York Chasseurs, was ordered, in June last, to proceed from Jamaica to Canada to be disbanded; the earliest information which reached me on this subject was from Brigade-major Noel, who was ordered from Jamaica to this station, and arrived on the 31st of July. By Major Noel I was informed that all the officers of the York Chasseurs who were in Jamaica, and did not proceed to Canada, were placed on half-pay, from the 24th of June, by order of Major-general Conran; and consequently my immediate inquiry was, whether he was the bearer of any orders upon the subject respecting my own situation. He informed me that he was not; on the contrary, that he was directed, on his arrival, to report himself to me as commandant, and then presented me with several official letters from head-quarters.

Extract Letter from
Lieut.-Col. Arthur
to Major-Gen.
Sir Henry Torrens,
27 May 1820.

"On the reduction of the 5th West India regiment, I was in some respect placed in a similar situation, but with this very material difference, that it was then notified to me that I was placed on half-pay. On that occasion an opportunity presented itself, by which I was enabled to address myself immediately to Major-general Conran, soliciting his orders, whether I was, in consequence of my being placed on half-pay, to resign the command of the garrison. The major-general's reply was, that it was quite unnecessary to ask the question; and he continued to address his orders to me as before. On a recurrence, therefore, of the same difficulty, I judged it improper to make any representation to the major-general; but by the very earliest opportunity for England, which was in September last, I wrote to my agents, Messrs. Greenwood, Cox & Co., apprizing them that I had understood my regiment had been ordered to Canada to be disbanded, but that as no orders or notification of any kind had reached me, I should feel uncomfortably circumstanced, and requested they would make immediate application upon the subject for information, through the regular channel.

"The civil and military appointments of His Majesty's superintendent and commandant at Honduras having been always combined, and, indeed, from the very peculiar constitution of the settlement, it being quite impossible to separate them, I further addressed myself, on the 15th of February last, to Mr. Goulburn, Under Secretary of State, that the Right Honourable the Earl Bathurst might be fully apprized of my situation.

"Having thus taken the steps which appeared most calculated to bring my case under immediate consideration, I felt myself justified, for the following reasons, in retaining the command of the troops until I received orders, or some other official notification to that effect.

"First, independent of the commission with which I am honoured, as His Majesty's superintendent, I hold a distinct military commission as commandant, from the general officer commanding the forces at Jamaica, which has never been cancelled."

Enclosure, No. 3.

Sir,

War Office, 13 April 1821.

THE King having been pleased to appoint you to serve as a colonel upon the staff at Honduras, from the 25th October 1819, subject to the orders and authority of the general officer commanding at Jamaica, I am commanded to acquaint you, it is His Majesty's pleasure that you do obey such orders as you shall receive from His Majesty, the Commander-in-chief, or any other your superior officer.

No. 3.

I have, &c.

(signed) *Palmerston*.

P.S.—It is to be distinctly understood, that this appointment is not to entitle you to receive any additional pay or allowances beyond rations for servants and for horses, in the proportions authorized by His Majesty's regulations.

To Colonel *Arthur*, Honduras.

(signed) *Palmerston*.

PAPERS RELATING TO OFFICERS

Enclosure, No. 4.

No. 4. Sir,
 THE Secretary of State for the Colonial Department having communicated to the Commander-in-chief your appointment as superintendent of Honduras, I am directed by His Royal Highness to acquaint you, that the command of the troops in that settlement will be vested in you, but you are in all things to conform to the orders of the Major-general commanding the troops in the island of Jamaica, to whom you will report upon all military subjects connected with such command.

Major-General Codd.

I have, &c.
 (signed) *H. Taylor.*

Enclosure, No. 5.

No. 5. *George R.*
 GEORGE the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. To Our trusty and well-beloved Lieutenant-colonel Francis Cockburn, greeting: We, reposing especial trust and confidence in your loyalty, courage and good conduct, do by these presents constitute and appoint you to be Colonel in Honduras only. You are therefore carefully and diligently to discharge the duty of Colonel by doing and performing all and all manner of things thereunto belonging; and We do hereby command all Our officers and soldiers whom it may concern to acknowledge and obey you as a Colonel as aforesaid.

And you are to observe and follow such orders and directions from time to time as you shall receive from Us or any your superior officer, according to the rules and discipline of war, in pursuance of the trust We hereby repose in you. Given at Our Court at St. James's the 3d day of September 1829, in the 10th year of our reign.

By His Majesty's Command.

Entered with the Secretary at War.

(countersigned) *Robert Peel.*

Lieutenant-colonel Francis Cockburn,
 Colonel in Honduras only.

Enclosure, No. 6.

No. 6. Sir,
 THE King having been pleased to appoint you to serve as a Colonel upon the staff of Van Diemen's Land, without pay, from the 5th instant, I am commanded to acquaint you with His Majesty's pleasure, that you do obey such orders as you shall receive from His Majesty, the Commander-in-chief, or any other your superior officer.

Colonel George Arthur,
 Lieut-governor of Van Diemen's Land,
 Plymouth.

I have, &c.
 (signed) *Palmerston.*

Enclosure, No. 7.

No. 7. Sir,
 THE King having been pleased to appoint you to serve as a Major-general, without staff pay, but with one aide-de-camp, upon the staff at New South Wales and Van Diemen's Land, I am commanded to acquaint you, that it is His Majesty's pleasure that you do obey such orders as you shall receive from His Majesty, the General commanding-in-chief, or any other your superior officer.

Major-general Richard Bourke.

I have, &c.
 (signed) *H. Parnell.*

Enclosure, No. 8.

No. 8. EXTRACT from the Memoranda Papers submitted to The KING, 24th August 1820.
 2d West India Regiment:

Major Edward Burke, from the 37th foot, to be lieutenant-colonel,
 without purchase, vice Bradley, who retires - - - - 24th August 1820.

37th Foot:

Captain William Bruce to be major, by purchase, vice Burke, promoted in the 2d West India regiment - - - - ditto.
 Lieutenant Thomas Garth, from the 1st Dragoons, to be captain, by purchase, vice Bruce - - - - ditto.

Lieut.-colonel Bradley is only allowed to receive the value of a Majority on retiring from the service.

COMMANDING TROOPS AT HONDURAS, &c.

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1st Dragoons:

No. 8.

Cornet Charles Chamberlain to be lieutenant, by purchase, vice

Garth, promoted in the 37th foot - - - - - 24th August 1820.

Honourable John Kennedy to be cornet, by purchase, vice Cham-

berlain - - - - - ditto.

Commissions, agreeably to the above list of recommendations, to be prepared for
signature.

(signed) GEORGE R.

HONDURAS.

COPIES of the AUTHORITIES under which certain Officers took the Command of Troops at *Honduras*, &c.; also, Copy of the WARRANT under the King's Sign Manual, relative to the Removal of Lieut.-colonel *Bradley* from the Army.

(*Mr. Duncombe.*)

*Ordered, by The House of Commons, to be Printed,
25 March 1836.*

M A L T A.

RETURNS to Two Addresses of the Honourable The House of Commons,
dated 17th August 1835;—*for*,

RETURNS of the Names of, and Appointments held by, the MEMBERS of the COUNCIL OF GOVERNMENT of *Malta*:—Of the Salaries of all Persons employed under GOVERNMENT in *Malta*, from the time when the Island was taken possession of by the *English*, in the Year 1800, to the End of the Year 1834; stating the Amount of all Salaries in every Year:—Of all Pensions allowed by the BRITISH GOVERNMENT to *Maltese*, Natives of *Great Britain* and Foreigners, out of the Revenues of *Malta*, from the time when the Island was first taken possession of, in the Year 1800, to the End of the Year 1834; stating the Amount of all such Pensions in every Year:—*Also*,

RETURNS of all PURCHASES and SALES of GRAIN, and of all DUTIES collected on GRAIN, and of all the SALARIES, CHARGES and EXPENSES of the GRAIN DEPARTMENT at *Malta*, during the last Ten Years, inclusive; distinguishing each several Head of Receipt and Expenditure, and distinguishing each Year; together with an Estimate of the Annual Rental or Value of the Stores and Fosses devoted by Government to this Service, during the last Ten Years; as well as of the present Value of the Stock of Government Grain now remaining in store, specifying the Number of Sacks, and when and where purchased:—Of the Sums collected through the CUSTOM HOUSE, during the last Ten Years inclusive; together with an Account of all Expenses of Collection; distinguishing the Amount of each Year, and of the several Articles on which the Duties were obtained:—Of the Sums collected through the EXCISE during the last Ten Years inclusive; together with an Account of all the Expenses of Collection; distinguishing the Amounts of each Year, and of the several Articles on which the Duties were obtained:—Of the Sums collected through the QUARANTINE DEPARTMENT during the last Ten Years inclusive; with an Account of the Salaries and Expenses of this Department; distinguishing each several Head of Receipt and Expenditure, and distinguishing each Year.

Colonial Department, }
17 February 1836. }

G. Grey.

(*Mr. Ewart.*)

Ordered, by The House of Commons, to be Printed,
19 February 1836.

SCHEDULE.

No I.—COPY of a DESPATCH from Lieut.-Colonel *Cardew*, Acting Lieutenant Governor of *Malta*, to Lord *Glenelg*, dated *Malta*, 26th November 1835, (with Three Enclosures.) - p. 3

Enclosure, No. 1	- - - - -	- p. 3
Enclosure, No. 2	- - - - -	- p. 4
Enclosure, No. 3	- - - - -	- p. 4

No. II.—COPY of a DESPATCH from Lieut.-Colonel *Cardew*, Acting Lieutenant-Governor of *Malta*, to Lord *Glenelg*, dated *Malta*, 9th January 1836, (with Seven Enclosures) - - p. 5

Enclosure, No. 1.—RETURN of the Names of, and Appointments held by, the Members of the Council of the Government of *Malta* - - - - - p. 5

Enclosure, No. 2.—EXPLANATORY STATEMENT by the Auditor General, transmitting Nine Returns of Salaries and Emoluments of the Offices of the Civil Government - p. 6

Return of Salaries, 1813	- - - - -	- p. 10
Return of Salaries, 1816	- - - - -	- p. 16
Return of Alterations, 1816-1825	- - - - -	- p. 22
Return of Alterations, 1826-1834	- - - - -	- p. 39
Return of Salaries, 1834	- - - - -	- p. 48
Comparative View of Salaries, 1813, 1816 to 1834	- - - - -	- p. 55
Names of Persons at or above £.150 a year, 1816-1834	- - - - -	- p. 56
Indirect Emoluments, 31 December 1834	- - - - -	- p. 63
Salaries, &c. derived from Municipal or Private Funds, 31 Dec. 1834	- - - - -	p. 65

Enclosure, No. 3.—RETURN of all Pensions allowed by the *British* Government to *Maltese*, Natives of *Great Britain* and Foreigners, out of Revenues of *Malta*, from 1812 to 1834; stating Amount of all such Pensions in every year - p. 66

Enclosure, No. 4.—LETTER of the Superintendent of Grain at *Malta*, dated 22d December 1835, in explanation of the Returns required from him; Return of all Purchases and Sales of Grain, and of all other Duties collected on Grain, and of all the Salaries, Charges and Expenses of the Grain Department at *Malta*, from 1825 to 1834, inclusive; together with Estimates of the Annual Rental or Value of the Stores and Fosses devoted by Government to that Service, for the same Period; and of the present Value of the Government Grain now remaining in store - - - - - p. 90

Enclosure, No. 5.—STATEMENT of all Sums collected through the Custom House at *Malta*, between 1825 and 1834 inclusive; and of all Expenses of Collection, p. 96

Enclosure, No. 6.—STATEMENT of all Duties collected by the Excise at *Malta*, between 1825 and 1834, inclusive of all Expenses of Collection - - - - - p. 101

Enclosure, No. 7.—RETURN of the Sums collected in the Quarantine Department, from 1st January 1825 to 31st December 1834; and of the Salaries and Expenses thereof for the same Period - - - - - p. 102

RETURNS of NAMES and APPOINTMENTS held by MEMBERS of COUNCIL OF
GOVERNMENT; of SALARIES of all PERSONS employed under Government;
and other Papers relative to *Malta*.

— No. I. —

COPY of a DESPATCH from Lieut.-Colonel *Cardew*, Acting Lieutenant-Governor of *Malta*,
to Lord *Glenelg*, (with Three Enclosures.)

MY LORD,

Malta, 26th November 1835.

I HAVE the honour to submit to your Lordship's consideration a Correspondence enclosed, between the Auditor General and the Government Secretary of Malta, from which will be seen that obstacles present themselves to the preparation of the Returns of Salaries required by the Resolution of the House of Commons of the 17th of August last, and the course proposed in consequence by the Auditor General, which I have sanctioned.

The whole of the Returns required will be transmitted by the next packet.

I have, &c.

G. Cardew,

Lt-Col. R^l Engineers, and Actg Lt-Governor.

Enclosure, No. 1 in No. I.

Sir,

Audit Office, La Valletta, 14 November 1835.

WITH reference to your Letter of the 22d September last, communicating the desire of the honourable Acting Lieutenant-Governor that I should prepare, in conformity to a Resolution of the House of Commons, dated the 17th August of last Session, and transmit to you a Return of the salaries of all persons employed under Government in Malta, from the time when the Island was taken possession of by the English in the year 1800, to the end of the year 1834; I have the honour to state, that it will be impossible to have such a document completed, even to the extent which may now be found practicable, in readiness against the time when the next packet may be expected to sail for England.

Immediately on receiving the Acting Lieutenant-Governor's order, I took steps to ascertain whether, within a given space of time, it might not be possible to form the required statement for the early years of the British possession of these Islands; but I found the question for that period involved in such doubt and intricacy, as led me reluctantly to the conclusion that it must be abandoned, if the statement for the remaining years is to be ready for the next meeting of Parliament. I would at the same time respectfully submit, whether it can in any way be desirable that the preparation of the statement for those early years should ever be attempted, against the difficulty of hazarding a guess at the amount of emolument derived by many of the individuals employed, who, besides their direct stipends from Government, received fees from the public, of which, as but few of the parties survive, no estimate can at this day be formed; and the direct stipends themselves, not having been inserted in a regular schedule of establishment, could not, without a very elaborate proceeding, be stated with any degree of confidence as to total amount, from their being much dispersed through the accounts, sometimes hidden in totals of general expense, and sometimes deducted from collections.

In the year 1808, however, the service began to assume an appearance of order, and improvement continued until July 1812, when a commission having been named by His Majesty to inquire into the affairs of Malta, schedules of establishment were formed, and estimates procured of various of those fees which still remained unconsolidated with direct emolument. From that time until the 5th May 1813, improvement went on, when it was suddenly arrested by the plague, which was announced on that day to have visited the Island. This calamity completely disturbed the order of public business, particularly as on the 5th October of the same year, while it still prevailed, the constitution of the Government of these Islands was changed; and at the end of another year, as the malady had in the meantime extended to Gozo, and the restoration of health was not finally declared before the 8th September 1814, the measures for re-organizing the service remained far from complete. From the 1st October of that year, the appointments of various offices were placed upon a schedule of establishment, and those of other offices, as they successively advanced to a state of readiness for the proceeding, were afterwards added, until the 1st January 1816, when the schedule assumed an appearance of completion.

From this point, then, I am now preparing the return of salaries, guiding myself by the terms of the Resolution of the House of Commons.

An implicit adherence to these terms, where practicable, is of course my business; but, while not departing from them, I consider it equally my duty to adapt the statement to what must naturally be one of the objects of the Resolution, namely, comparison; and as previously to the year 1825, when the Treasury Instructions commenced operation, the accounts do not show in a summary view the particular years to which the salaries relate, any statement hastily compiled from the accounts for those nine years, would be inconclusive on the score of comparison. Besides this difficulty, the classification of the accounts preceding the Treasury Instructions is far from perfect; both of which circumstances have rendered it necessary to the formation of the required statement, that I should minutely inspect the accounts of every department.

Desirous at the same time of supplying to the best of my means the defect for the early years, I am also preparing a return of the salaries and other emoluments, as nearly as can be stated or estimated, for the month of April 1813, the last, under the former constitution of the local government, in which the order of the accounts remained undisturbed.

These proceedings still continue to occupy almost exclusively my time; but I confidently expect to have it in my power to transmit the Returns to your office by the middle of next month.

It remains for me to add, that all military appointments will be excluded from the Returns, they having undergone so many changes in their mode of payment, whether between the Civil and Military

Chests,

RETURNS RELATIVE TO COUNCIL OF GOVERNMENT

Chests, or the Maltese and Ionian Governments, that any statement of those borne by Malta in particular, separately from those defrayed by other branches of the Mediterranean service, would be altogether inconclusive, as regards a comparison of salaries distinct from general expenditure.

The Hon. Sir Fred. Hankey, G. C. M. G.
Chief Secretary to Government, &c. &c. &c.

I have, &c.
(signed) *W. H. Thornton,*
Auditor General.

Enclosure, No. 2, in No. I.

Sir,

Audit Office, La Valletta, 21st November 1835.

WITH reference to my Letter of the 14th instant, wherein I alluded to various difficulties which stood in the way of my attempt to prepare the Return of Salaries referred to in a Resolution of the House of Commons, dated the 17th August last, precisely in the terms required, so long as it might be desirable to have it in readiness for presentation at the next meeting of Parliament, and wherein I represented the modification which accordingly became necessary; I have now the honour to submit, for the approval of the Acting Lieutenant-Governor, the Plan which I have laid down, in order to furnish as perfect a statement of the thing required as the limits of time and information afford.

Instead of the single Return of Salaries suggested by the Resolution, I purpose to render several Returns, connected by an explanatory Statement, and to consist of,—

1. A Return, showing the annual rate and amount of all Salaries and other Emoluments derived by Persons holding situations in or under the Government of Malta, as borne on the 30th day of April 1813. (This was the last month under the former constitution of the Government, anterior to the disorganization occasioned by the breaking out of the plague.)
2. A similar Return for the 1st day of January 1816 (when the establishment under the new constitution of the Government was for the first time framed in an apparent state of completion.)
3. A Return, showing the alterations taken place in the amount of such Salaries and Emoluments, from the 1st January 1816 to the 31st December 1834; distinguishing the proportion for each year.
4. A Return for the 31st day of December 1834, similar to Return No. 2.
5. A Comparative View for the the twenty-one points of time shown by the four preceding Returns.
6. A Return, showing by name the Individuals who, from the 1st January 1816 to the 31st December 1834, received Salaries or other Emoluments to the amount of £. 150 or upwards each Person.
7. A Return, as No. 4, but for those Persons whose Salaries or other Emoluments are paid out of public money not passing through the Treasury of Government.
8. A Return, also as No. 4, but for those Individuals who are paid from municipal or private charitable funds.

To form the 7th Return, I must be altogether dependent upon the information with which the Government may be pleased to furnish me on the subject.

And I now take the liberty of requesting to be informed, whether I am expected to furnish also a statement which may distinguish, as regards the amount of emolument, the Maltese from the others of His Majesty's subjects receiving pay under the Civil Government of these Islands, lest I should incur a responsibility in having either furnished or withheld a statement of the kind.

The Hon. Sir Fred. Hankey, G. C. M. G.
Chief Secretary to Government, &c. &c. &c.

I have, &c.
(signed) *W^m H^y Thornton,*
Auditor General.

Enclosure, No. 3, in No. I.

Sir,

Chief Secretary's Office, Valletta, 22d November 1835.

I HAVE the honour to acknowledge the receipt of your Letters of the 14th and 21st instant, on the subject of the Returns of Salaries which you are now preparing, in pursuance of directions from His Majesty's Principal Secretary of State for the Colonial Department.

And having laid your Letters before the Acting Lieutenant-Governor, I am to express his regret at the obstacles which stand in the way of preparing the Returns of Salaries required by the Resolution of the House of Commons of the 17th August last, in a correct manner, for the full period specified in that Resolution, without a process which would wholly preclude the possibility of their being ready for presentation at any period during the next Session of Parliament. Under these circumstances, he approves of the course which you have taken, as the best adapted for furnishing the most satisfactory statement within the limited time, and which he flatters himself may be found equally efficient for the required purpose.

On application to my office, you will obtain the information necessary to form the Return of such of the Salaries or other Emoluments derived by individuals employed under this Government, as you cannot ascertain from accounts coming before you for audit.

With respect to any distinction in the amount derived by the Maltese from that received by other subjects of His Majesty, as such information is not specified in the Parliamentary Resolution, the Acting Lieutenant-Governor does not see the propriety of its forming any part of your Returns.

William H^y Thornton, Esq.
Auditor General, &c. &c. &c.

I have, &c.
(signed) *Fred. Hankey,*
Chief Secretary to Gov^t.

— No. II. —

COPY of a DESPATCH from Lieut.-Colonel Cardew, Acting Lieutenant-Governor of Malta to Lord Glenelg, (with Seven Enclosures).

My Lord,

Malta, 9th January 1836.

I HAVE the honour to transmit herewith the Returns required, by your Lordship's Despatch of the 28th of August last, for the purpose of being laid before Parliament, in terms of two Resolutions of the House of Commons, dated the 17th of that month.

My Despatch of the 26th of last November explained to your Lordship the reasons which made it impossible to comprise, in the Return of the Salaries of Persons employed under this Government, the whole of the period expressed in the Resolution of the House of Commons; and it is now my duty to acquaint your Lordship, that the same difficulties, and for similar reasons, were found to affect the Return of Pensions, which has only been made up from the year 1812. That the Returns now transmitted, under both the above-mentioned heads of Salaries and Pensions may nevertheless prove satisfactory to your Lordship, is my firm hope; and I have merely to observe, that in the last-mentioned Return, no notice whatever has been taken of the pensions paid in England to certain Knights of the Order of St. John of Jerusalem, nor of the retired allowances paid to persons who were employed in the late Colonial Audit Office, because, although these pensions and allowances are defrayed from the revenues of Malta, still the local Government is not in possession of that information, in regard to the particular items, which would have enabled it to include them in the accompanying Return; but this I consider of less importance, as the Colonial Agent General, through whom these pensions and allowances are paid, will be able to furnish any information which may be required respecting them.

I beg to solicit your Lordship's attention to the statement of the Auditor General which accompanies his Returns of Salaries, and to that of the Superintendent of Grain respecting the two branches of the Department under his immediate management.

I have, &c.

(signed) G. Cardew,

Lt-Col. R^l Engineers and Act^g Lt-Governor.

No. 1 to No. 7.

Vide Appendix to Return No. 3.

Enclosure, No. 1, in No. II.

RETURN of the NAMES of, and APPOINTMENTS held by, the MEMBERS of the COUNCIL OF GOVERNMENT of Malta.

NAMES.	APPOINTMENTS.	ANNUAL EMOLUMENTS from Local Revenues.
Lieutenant-Colonel George Cardew	{ Commanding Royal Engineers as the Officer administering the Government during the absence of the Lieutenant-Governor - - - - }	£. s. d. None.
Dr. Don Francesco Saverio Caruana	Archbishop, Bishop of Malta - -	None.
Lieut.-Colonel Henry Balneavis, C. M. G.	{ Town Major, being the senior in command of His Majesty's Land Forces, and not being in the administration of the Government - - - - }	None.
Sir John Stoddart, Knt. - - -	Chief Justice - - - -	1,500 - -
Colonel Sir Frederick Hankey, G. C. M. G.	Chief Secretary to Government - -	1,500 - -
Baron Giuseppe Maria de Piro - -	{ - - Member of the Council of the University, one of the chief landed proprietors of the Island, being a native-born subject of His Majesty - - }	None.
Agostino Portelli - - - -	{ - - None; one of the chief merchants of the Island, being a native-born subject of His Majesty - - - - }	None.
Nicholas John Aspinall - - -	{ - - None; one of the principal merchants of the Island, being a British-born subject of His Majesty, actually resident within these Possessions for upwards of two years - - - }	None.

* * The Officer administering the Government during the absence of the Lieutenant-Governor receives, under orders from the Secretary of State, dated 8th January 1827, an allowance at the rate of £.1,000 sterling per annum, payable out of the salary assigned to the Lieutenant-Governor.

Chief Secretary's Office, }
Malta, 29 December 1835. }

'Fred. Hankey,
Chief Secretary to Government.

Enclosure, No. 2, in No. II.

EXPLANATORY STATEMENT, referring to NINE RETURNS, dated the 29th December 1835, of SALARIES and other EMOLUMENTS received by Individuals employed in or under the Civil Government of Malta, to the End of the Year 1834.

HAVING been directed by the Acting Lieutenant-Governor, in pursuance of His Majesty's Commands, founded upon an humble Address of the House of Commons, presented in consequence of a Resolution of that House, passed on the 17th August last, to prepare "a Return of the Salaries of all Persons employed under Government in Malta, from the time when the Island was taken possession of by the English in the year 1800, to the end of the year 1834, stating the amount of all Salaries in every year;" the undersigned, on inspecting the accounts and documents for the first fifteen years of that space of time, found that they were in most instances so obscure, and in many so involved and intricate, that to prepare the required document in a satisfactory manner might, if at all practicable, become the business of more than a year; and that in order to get any one ready against the ensuing Session of Parliament, a certain limitation must be assigned. Having submitted this circumstance to the Acting Lieutenant-Governor, whose consent to a suggested limited plan was, through the necessity of the case, given, the undersigned has applied himself exclusively, during the last three months, in preparing the information upon the plan authorized, which comprises Nine Returns, instead of the single one required; and which are formed upon the principle, that as comparison of service and rate, at stated intervals of time, must be the object of the Resolution of the House of Commons, so uniformity of arrangement in those particulars must be essential to the deduction of any just conclusion from the comparison.

To render the statement uniform as to time, it has been necessary to throw all arrear settlements upon the dates to which they refer. This, for the years anterior to 1825, has been a most embarrassing work, it having been the practice on many occasions, before the Instructions of His Majesty's Treasury began to operate, to issue temporary warrants to the Treasurer for the settlement of services, the acquittances of the party remaining in the local treasury as money, until the Chest was discharged by a formal warrant, which was often not issued until years afterwards; and thus the service, though currently paid, went to account in the shape of an arrear.

To preserve uniformity in respect to service, the salaries have been in a great measure classed differently from their arrangement in the accounts; that is to say, by branches of service instead of by departments, in a manner that no salary should be found at different periods on different branches. The arrangement of the accounts has undergone many mutations during the interval, and if followed, would afford no just conclusion in regard to departmental proportions, but merely to annual general totals.

Uniformity as to rate, independent of some adventitious explanation, has been found impracticable. It has been thought better, in preparing these Returns, not to disturb the amounts of sterling salaries originally established in that denomination of currency; and it has happened that various rates have been successively adopted for defraying such salaries in the currency of the place. Of what these discrepancies consist, will be explained in adverting to the particular Returns which are affected by them. Here, it may be stated briefly, that the British denominations of money were introduced, concurrently with the local ones, from the beginning of the year 1826, the basis being settled on the Spanish dollar at 4s. 4d., or *Scudi* 2. 7*t.* 4*g.*, giving 12 scudi to the pound sterling. Previously to that time the Spanish dollar regulated sterling pay at the rate of 4s. 6d.; but it fluctuated in value with the currency of the Island, and this is the origin of the discordance.

A few occasional allowances for house-rent have been passed over, because these are not strictly pecuniary emoluments, but rather a commutation of allowances in kind, and could not be brought into a comparative statement which excluded the value of houses allotted rent-free. Nevertheless, to satisfy any inquiry on the subject, it is here stated that the accounts for the year 1834 bear only one charge of the kind, namely, 12*l.* 10*s.* annual rent of the collector's dwelling in Gozo.

All military pay or allowance is also omitted, such payments being properly subsidiary to the general charge of maintaining the garrison, which devolves upon Great Britain, and they can only be stated consistently, either as a part of the whole military expense of the garrison, or as a portion of the general expenditure of the civil government, it being borne in mind that the present Returns are confined to a single subject. It may notwithstanding be satisfactory to note in this place, that the few direct military allowances paid by the civil government in the year 1834 consist of—

£. 56	13	4	to a British Roman Catholic chaplain of the garrison.
5	-	-	to the chaplain of the Maltese regiment.
16	16	-	to two chaplains at outposts of the same regiment.
23	11	5 $\frac{1}{2}$	to a corporal and 4 privates of the same regiment, employed as mounted orderlies.
£. 102	-	9 $\frac{1}{2}$	

Individuals receiving wages for the working days only of their actual occasional employment are likewise passed over without notice.

Allowances for maintenance of a calesse, or for any means of personal conveyance, are included as emolumental when they amount to or exceed 20*l.*; and are omitted, as for service, when under; a rule which has been adopted by way of settling the thing generally, although erroneous in principle as regarding the individuals concerned. Most of these allowances will be found at the termination of the period to have been either abolished or consolidated with regular salaries.

Official Italian designations have generally been translated in a free manner, such as "Constable" for "Visconte," or "Overseer" for "Accatapano." Several liberties may also have been taken with the English designations of office, when they have been derived from an Italian term.

FIRST RETURN.

It has been already said that much intricacy prevails in the accounts for the first fifteen years under the British Government. This observation applies more particularly to the earlier portion of those years, when many of the individuals employed, besides their regular salaries from Government, received fees from the public, of which no satisfactory estimate can at this day be formed. In the year 1808, the service

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service began to assume some appearance of order, and improvement went on until July 1812, when, a commission having been appointed by His Majesty to inquire into the affairs of Malta, schedules of establishment were formed, and estimates procured of various of those fees taken by individuals which still remained uncommuted by an increase of direct pay. This inquiry was followed by a greater degree of regularity in the organization of the different departments, but which was unfortunately arrested by the plague, announced on the 5th May 1813 to have broken out in the Island, and from which day order retrograded during the many succeeding months of sickness. The close of the month of April 1813 is the point of time chosen as the best for considering the civil establishment of Malta under the former order of things, a new constitution of the local government having taken place before general health was restored. It will be right, however, first to notice a few important augmentations of salary that had been effected within the first four months of the same year.

The King's Civil Commissioner (including his table-money) from 3,500 <i>l.</i> to 5,000 <i>l.</i>	- £. 1,500
The Public Secretary, from 800 <i>l.</i> to 1,500 <i>l.</i>	- - - 700
The Treasurer, from 600 <i>l.</i> to 1,000 <i>l.</i>	- - - 400

So that, since 1812, an increase of - - - - - £. 2,600 had been made in the amount of the principal salaries. That of the minor ones does not appear to have been materially altered during the four months.

The first Return shows the annual rate and amount of all salaries, and, as nearly as can be stated, other emoluments derived by persons holding situations in or under the civil government of Malta, as borne on the 30th day of April 1813.

It will be seen that this Return contains two columns of amount, the one of salaries and the other of contingent emoluments; the former and some of the latter being direct from the Treasury, while the others were levied from the public. Where so levied, the amount is in many cases inserted from an arbitrary estimate, and in some from a reasoned one. The arbitrary estimates are those which were furnished to the members of His Majesty's Commission in 1812; but it is the opinion of several, in which the Undersigned shares, that they are under-rated, and that an ample allowance should be made on this account before the totals for 1813 can be brought into comparison with those for the years of the new system. It is to be noticed that no fees which have continued in nature, until the present time, separate from the receipts of the Treasury, are estimated for in this return, as such emoluments will be considered distinctly from the general comparison as to time. The sterling salaries included in 1813 were paid at the rate of 4 *s.* 6 *d.* the Spanish dollar, calculated at 2½ scudi, a rate below the value for which they commonly passed at the time in the place. At this rate the salaries in general are, carried into the comparison, [6th Return,] namely, 44,891 *l.* as the value of Scudi 498,792, which, if calculated according to the present legal concurrent value of twelve to the pound, would give only 41,566 *l.* On the other hand, it will be proper to add whatever amount may be thought reasonable for under-estimated indirect emoluments. In considering the details it will further be necessary to note, that the "Palace Establishment" bears charges for coaches and calesses, from which individuals in other departments were accommodated; an arrangement discontinued under the new system, where each department bears its proper charge for such service. For these reasons, the totals for 1813 are brought into the comparison (6th Return) with the qualification of being placed out of juxtaposition with those for the years of the new system.

SECOND RETURN.

On the 5th October 1813, while the malady still prevailed, the constitution of the government of these Islands was changed; and after the restoration of health, which, as the plague had in the mean time extended to Gozo, was not finally declared until the 8th September, 1814, the measures for re-organizing the service remained far from complete. From the 1st October of that year, the appointments of various offices were placed upon a schedule of establishment, and those of other offices, as they successively advanced to a state of readiness for the proceeding, followed into the schedule, until the 1st January 1816, when, though still imperfect, it assumed an appearance of completion.

It is from this point, then, over a space of nineteen years, that the information required by the Resolution of the House of Commons regularly starts, having left in obscurity the term intervening from April 1813, while the service was disorganized through the immediate effects or consequences of a contagious malady, and the transactions during which interval could not be correctly detailed otherwise than at the expense of punctuality in the transmission of these returns.

The Second Return shows the annual rate and amount of all salaries and other pecuniary allowances derived by persons employed in the civil service of these Islands, as borne on the 1st day of January 1816.

For this Return one column of amount serves, all the emoluments referred to being direct, conformably to the principle of the system established by the late Sir Thomas Maitland, and promoted under his successors, which, as a general one having its particular exceptions, excludes the reception of fees by officers of the Government, otherwise than as income of the public Treasury. The exceptions from this principle will be noticed with reference to the Seventh and Eighth Returns.

At this time the sterling salaries were regulated by the Spanish dollar at 4 *s.* 6 *d.*, the same rate as noticed for the year 1813, but at ten grains higher as compared with the currency of the place, being one-sixtieth part on the old rate of 2½ scudi. This gives 49,583 *l.* as the value of the total, Scudi 560,110; but, as will be explained further on, is carried into the comparison (6th Return) at the rate of 4 *s.* 3½ *d.* the current dollar of 2½ scudi, making 48,076 *l.* Again, if this total be computed according to the present legal rate of 12 scudi to the pound, it will be found to amount to no more than 46,676 *l.*

THIRD AND FOURTH RETURNS.

These two Returns comprise the changes taken place during the nineteen years ended with 1834, and show the amount of all salaries for every year; that is to say, not the amounts actually paid, but the annual rates borne at nineteen equal distances of time, besides the starting point, which are fixed on the 31st December of each year. Savings from temporary vacancies in office, which more than compensate some double charges or increases, not reaching the annual points of comparison, have not been considered; they having been thought of insufficient moment to render a different arrangement of the statement preferable to the methodical one chosen.

The agio of ten grains on the Spanish dollar continued to serve as the basis for sterling payments until the 1st October 1817, when the inadequacy of this excess having caused that coin to be withdrawn from the Island, it became necessary to have recourse to the Sicilian or current dollar, as the medium for settling the military and civil sterling pay; and it was accordingly arranged that 4 s. 3½ d. should be considered the intrinsic value of the current dollar, in comparison with 4 s. 6 d. for the Spanish dollar. No alteration, however, took place in the ordinary currency of the Island; and as the current salaries greatly exceeded in amount those established in sterling, it has been thought better to fix a single rate, namely, that of 4 s. 3½ d. the current dollar of 2½ scudi, for bringing them into comparison for the ten years that preceded the introduction of the sterling denomination into the accounts of Malta.

This measure was effected at the beginning of the year 1826, after a short interval, in which the Spanish dollar was re-introduced with an agio of 30 grains, or five per cent. over the current one; and the Spanish dollar was then again fixed with an agio of only 24 grains on such comparison, but at the more reduced rate of 4 s. 4 d. on that with British currency; the result of which arrangement is, that the pound sterling has since passed for 12 scudi of Malta, such being the consequent legal rate. As the measure, however, gave an increase in Maltese currency to those whose salaries had been appointed in sterling, it was deemed equitable to place the receivers of current salaries in a similar position, to the exclusion of extra or contingent emoluments, as will be seen in the statement at the end of the Third Return, which is distinct from the Fourth, for the sole purpose of separating the periods of the respective currencies.

It is to be particularly observed, that these Returns embrace no portion of emolument derived by any individual employed in the late Colonial Audit Office of London, for the service of which a yearly subsidy of 2,200 l. was defrayed by the Colonial Agent in London, the undersigned not having the means of stating the portion of that sum which went in the payment of salaries,

FIFTH RETURN.

This Return shows the state at the end, as the second Return did at the beginning of the term of nineteen years ended with 1834, on the last day of which year they amounted to 44,994 l. 18 s. 10 d. To this Return will be found annexed a recapitulation, which exhibits the classification of the departments as observed in the local accounts, and from which it will be seen that the temporary vacancies in December 1834, to be deducted from the total sum to give the real fact, amounted to only the annual rate of 61 l. 15 s.

It has already been said that wages paid for working days only have been omitted from these Returns. Notwithstanding this, it has so happened that some of such daily wages which were at first contingent have afterwards become fixed monthly stipends. A difficulty has thus occurred, for to bring forward the alterations as new appointments, when the result was probably a saving, would be inconsistent, and the only alternative left has been to keep them out of the comparison, giving hereunder a note of those so omitted, whether monthly or daily, as paid in the year 1834, adding the amount of any other remuneration defrayed within the same year, and not comprised by the present Returns. They consist of—

	£.	s.	d.
Guards in the Quarantine Department - - - - -	1,744	11	7
Attendants and Guards of the Grain Department - - - - -	433	6	6
Registrar and Marshal of the Court of Special Commission, 8 l. 6 s. 8 d.			
each for a single Session - - - - -	16	13	4
Incidental or special remuneration in various offices or institutions - - - - -	144	-	7
	£.	2,338	12 -

with which sum no comparison for former years will be found in these Returns.

The daily labourers employed in the public works, in the bakery of the charities, and in some other branches, cannot of course be noticed separately from a question of general expenditure.

SIXTH RETURN.

The preliminaries for the nineteen years being disposed of, the comparative merit of the totals at the different points of time properly comes to notice, and this will be found in the Sixth Return, which offers a comparative view of the amounts of the several branches of service during that interval, brought into parallel at stated annual dates. A view is also given of the amounts at an isolated earlier date, the 30th April 1813, as presenting a kind of comparison, though not a just one. A note at the heading of the Return further shows, that even for the nineteen years there is a flaw in the comparison, a latent increase existing from the amounts of the first ten to those of the last nine years of the period. To settle this difference rightly is not pretended in this place, as so material an increase in the sterling value causing the disparity, could scarcely be unaccompanied by some declension in that of the currency. At what intermediate point the balance is to be found, remains undetermined; but if it should be thought that the comparison ought to have vested rather on the current than on the sterling value, the following sterling totals, formed upon the uniform basis of 12 scudi to the pound, may be substituted:—

	£.		£.
30th April 1813 - - -	41,566	31st Dec. 1825 - - -	48,046
1st Jan. 1816 - - -	46,676	" 1826 - - -	50,326
31st Dec. 1816 - - -	48,291	" 1827 - - -	47,342
" 1817 - - -	48,852	" 1828 - - -	45,693
" 1818 - - -	47,597	" 1829 - - -	45,879
" 1819 - - -	48,207	" 1830 - - -	45,433
" 1820 - - -	49,010	" 1831 - - -	45,418
" 1821 - - -	48,786	" 1832 - - -	45,293
" 1822 - - -	47,494	" 1833 - - -	44,762
" 1823 - - -	46,835	" 1834 - - -	44,995
" 1824 - - -	47,293		

In comparing the amount for April 1813 with those for any of the collective nineteen years, it will be proper to bear in mind that the indirect emoluments at the first date, which have their set-off in the commuted direct emoluments of the other periods, are supposed to be considerably underrated.

SEVENTH RETURN.

Thus far, the offices, and not the particular individuals employed, have formed the subject; but in order to give as ample information thereon as a due limit may allow, a statement, composing the Seventh Return, has been drawn up, which describes by name every individual who during the aforesaid term of nineteen years received a direct emolument to the extent of 150*l.* a year or upwards, and shows the amount so received by him within that space of time, excepting only the names of the private secretaries, whose salaries are placed under the names of their principals. As the sterling salaries form a material portion of this statement, it has been thought better to leave the amounts of these as originally fixed, although paid at different rates, not only at distant intervals but, on a few occasions, simultaneously. From the latter course, this Return has its own particular discrepancies; but these, in their greatest extent, have never affected the annual amount as far as 40*l.* in a total of 28,000*l.*, beyond what depends upon the alteration in the value of the Spanish dollar from time to time, as particularly noticed with reference to the Sixth Return.

It is however right here to add, that several of the individuals named have been in the receipt of other emoluments than their direct salaries. Such of them as were so situated in 1834, will be found named at the close of the Eighth Return; and for the previous years the following notice is offered with reference to the Seventh Return.

Leaf 1. }—The Rev. J. C. Miller, as Chaplain, for the receipts of the Government Chapel; and afterwards the Rev. John Cleugh.

Mr. Fletcher, as Joint Registrar of the Supreme Council in 1816 and 1817.

Mr. Mamo, as above, and afterwards as sole Registrar.

Leaf 2.—Capt. St. John, as Surveyor of Shipping for some years. Fees, abolished after his death, amounted in 1827, as seen in a published statement, to 36*l.* 6*s.* 10*d.*

Leaf 3.—Mr. William Wright, as Secretary in matters of Bankruptcy. The emoluments during his employment until 1819, and several years afterwards under his successor (whose name does not appear on this Return), are understood to have been very large. Mr. Wright was also for a time Joint Registrar of the Supreme Council.

Leaf 4.—Mr. Cleave, as Purveyor of the Hospital of Sto. Spirito, received 76*l.* 0*s.* 10*d.* a year for many years until 1830, when he was superseded, his successor performing the duty *ex officio* without emolument. He also received another 76*l.* 0*s.* 10*d.* during two or three years, as a member of the Committee of the House of Industry, until the allowance was discontinued. These two sums, amounting to 152*l.* 1*s.* 8*d.*, were defrayed from private or municipal funds, such as discharge the salaries specified in the Ninth Return.

Last Leaf.—Mr. Fletcher, as Secretary of the Bankruptcy Court.

The fees of the Commissioners for taking Evidence are too small in amount to render it desirable that the individuals who partook of them previously to 1834, should be pointed out.

In this Return, the stoppage made from the pay of individuals during their absence on leave, has not been noticed, any more than the allowances which have been made out of such fund to their substitutes.

EIGHTH RETURN.

This shows the annual rate and amount of salaries, or other emoluments, derived from funds not passing through the Treasury of Government, as borne on the 31st December 1834, on which day they amounted to the annual rate of 2,697*l.* 13*s.* 5*d.*

For these, no comparison with the state during previous years is offered; but the amount of them is believed to have been much greater formerly, particularly in the Commercial Court, and in the Court of Bankruptcy.

NINTH RETURN.

This last describes the annual rate and amount of salaries or other allowances derived from municipal or private charitable funds, administered under the control of Government, as borne on the 31st December 1834, when they stood at the annual rate of 1,439*l.* 4*s.* 4*d.* No comparative view of these during the previous years is given; but it may be stated, that the amount has generally undergone much reduction, chiefly by the abolition of allowance to various members of charitable committees, who, or whose successors, now render their services without emolument.

In concluding, the undersigned ventures to express his hope that the information contained in this Statement, with its accompanying Returns, will be accepted as the most ample that could be given within the time allowed, his object having been to furnish it correctly, methodically, and consistently. It would be wrong to conceal that the current service of his office has been much inconvenienced by the exclusive attention which this business has exacted during the last three months, but which he trusts, with the exertions of the gentlemen employed in it, (whose efficient assistance, cheerfully afforded throughout the proceeding, it would be an injustice not to mention), that its regular course of duty will soon be restored, without any real injury having been sustained from the interruption.

W^m H^y Thornton,
Auditor General.

Audit Office, Malta, }
29 December 1835. }

SALARIES, MALTA.—FIRST RETURN.

[With reference to the accompanying Explanatory Statement.]

A RETURN, showing the ANNUAL RATE and AMOUNT of all SALARIES, and, as nearly as can be stated, other EMOLUMENTS derived by Persons holding Situations in or under the CIVIL GOVERNMENT of *Malta*, as borne on the 30th day of April 1813.

Note.—Salaries originally fixed in Sterling, were at this time defrayed in Maltese currency, at the rate of 4 s. 6 d. the current dollar of 2½ Scudi, or in other words, at 1 s. 9½ d. the Scudi.

			ANNUAL RATE OF					
			SALARIES.		Other EMOLUMENTS.			
			Scudi. tari. grains.		Scudi. tari. grains.			
1.—PALACE ESTABLISHMENT.								
The King's Civil Commissioner	-	£. 3,500	33,888	10 13	16,666	6 19	£.1,500, table allowance. -- The cost of forage & daily expenses of the stables are estimated at about this sum, which is here set down as an emolument derived by the head and other officers of the Government.	
Private Secretary	-	500	5,555	6 13				
Chaplain	-	300	3,333	4 -				
Clerk to Chaplain	-	-	130	- -				
Keeper of the apartments	-	-	500	-				
2 Regulators of clocks, 150 Sc. and 120 Sc.	-	-	270	- -				
Superintendent of the stables	-	-	600	- -				
13 Coachmen, caleasse drivers and grooms, from 384 Sc. to 90 Sc. ea.	-	-	4,458	- -	14,000	- -		
Coxswain of barge	-	-	360	- -				
4 Rowers of ditto, at 105 Sc. each	-	-	420	- -				
			54,515	9 6	30,666	6 19		
2.—SECRETARY'S and DEPENDENT OFFICES.								
Public Secretary	-	£. 1,500	16,666	8 -			{ -- Also an Auditor of the Signature. See in No. 12. -- Also Harbour-master. See in No. 7.	
Pro-secretary	-	-	5,000	- -	-	- -		
Registrar	-	-	960	- -				
Agent for Mediterranean passes	-	-	2,220	- -				
Agent for registry of shipping	-	-	2,220	- -	-	- -		
Agent for licenses (including 1,020 Sc. for a clerk)	-	-	4,080	- -				
A Clerk	-	-	2,220	- -				
Another	-	-	960	- -				
Another	-	-	780	- -				
Another	-	-	720	- -				
A Porter	-	-	420	- -				
Another	-	-	120	- -				
2 Messengers, at 60 Sc. each	-	-	120	- -				
Director of the Post-office	-	-	720	- -				
Editor of the Gazette	-	-	2,200	- -				
His Assistant	-	-	420	- -				
Inspector of the Printing-office	-	-	720	- -				
Director of the Press	-	-	600	- -				
15 Compositors and Pressmen, from 540 Sc. to 180 Sc. each	-	-	5,280	- -				
			46,426	8 -				
3.—TREASURY.								
Treasurer	-	£. 1,000	11,111	6 13			{ -- Being an allowance of 10s. a day to the Deputy Commissary General of Accounts, in whose office the civil accounts were audited, at the charge, in all other respects, of the military chest.	
Cashier	-	-	3,000	- -				
An Accountant	-	-	1,080	- -				
Another	-	-	780	- -				
A Clerk	-	-	720	- -				
Another	-	-	480	- -				
4 Others, at 420 Sc. each	-	-	1,680	- -				
Porter	-	-	360	- -				
Messenger	-	-	240	- -				
			19,451	6 13				
4.—AUDIT OF ACCOUNTS.								
Auditor	-	-	-	- -	2,029	2 -		

SALARIES, MALTA—FIRST RETURN—continued.

	ANNUAL RATE OF							
	SALARIES.			Other EMOLUMENTS.				
	Scudi.	tari.	grains.	Scudi.	tari.	grains.		
5.—CUSTOMS.							Estimated amount of pettyfees. -- Estimated amount, on the average of the three years, 1810, 1811 and 1812, of a fee of 10 Sc. on each license granted for vessels to export goods for enemies' countries, assuming that half of the licenses in general were of that description.	
Collector - - - - -	1,200	-	-	{	500	-		
4 Clerks, at 720 Sc. each - - -	2,880	-	-		3,853	4		-
3 Others, at 420 Sc. „ - - -	1,260	-	-					
2 Others, at 300 Sc. „ - - -	600	-	-					
Porter - - - - -	300	-	-					
Head Weigher - - - - -	360	-	-					
8 Weighers, at 180 Sc. each - -	1,440	-	-					
Messenger - - - - -	60	-	-					
8,100 - - -							4,353 4 -	
6.—QUARANTINE.							600 Sc. each for Calesse Instead of fees. -- 350 Sc. for Calesse, and 300 Sc. instead of fees. Instead of fees. 350 Sc. each for Calesse. Instead of fees. -- Also agent for registry of shipping. See in No. 2, Instead of fees. -- 300 Sc. each, instead of fees.	
Superintendent - - - £. 800	8,888	10	13		1,200	-		
2 Commissaries - - - - -	-	-	-		240	-		
Pratique Master - - - - -	1,200	-	-		650	-		
Chancellor - - - - -	1,200	-	-					
Vice-chancellor - - - - -	720	-	-					
Clerk of the Chancery - - - -	360	-	-					
Clerk - - - - -	480	-	-					
Deputy at Lampedusa - - - -	720	-	-					
2 Medical Officers at Gozo, 90 Sc. ea.	180	-	-					
Captain of the Lazaretto - - -	1,200	-	-		300	-		
2 Clerks, at 360 Sc. each - - -	720	-	-					
2 Fumigators, at 240 Sc. each -	480	-	-					
2 Captains of the port, at 1,500 Sc. ea.	3,000	-	-		700	-		
2 Clerks, at 300 Sc. each - - -	600	-	-					
Keeper of the barrier - - - -	360	-	-					
Messenger of the barrier - - -	315	-	-					
2 Messengers, at 120 Sc. each -	240	-	-					
3 Coxswains, at 1 Sc. a day each -	1,095	9	-					
25 Boatmen, at 7 tari a day each -	5,326	6	15					
27,086 2 8							3,090 - -	
7.—MARINE POLICE.							Instead of fees. -- Also agent for registry of shipping. See in No. 2, Instead of fees. -- 300 Sc. each, instead of fees.	
Intendant - - - - -	1,200	-	-		800	-		
Harbour-master - - - - -	2,000	-	-		-	-		
A Clerk - - - - -	480	-	-		240	-		
Another - - - - -	240	-	-		480	-		
2 Subalterns, at 120 Sc. each -	240	-	-		600	-		
2 Others, being also boatmen, at 420 Sc. - - - - -	840	-	-					
Keeper of the Mole - - - - -	360	-	-					
Keeper of the "Carrache," or vessels for cleaning the harbour - -	240	-	-					
Keeper of the Lighthouse - - -	120	-	-					
2 Keepers of the Pulverist, at 360 Sc. each - - - - -	720	-	-					
Porter of the Pulverist - - - -	150	-	-					
6,590 - - -								2,120 - -
8.—PORT DUES.								
Collector - - - - -	1,200	-	-					
Assistant - - - - -	540	-	-					
2 Clerks, at 720 Sc. each - - -	1,440	-	-					
Porter - - - - -	120	-	-					
3,300 - - -							{ -- For superintending the accounts. -- Fees estimated at about this sum.	
9.—LAND REVENUE and PUBLIC WORKS.								
3 Administrators, at 1,200 Sc. each	3,600	-	-		480	-		
Another - - - - -	1,200	-	-		180	-		
Chancellor or Notary - - - - -	480	-	-					
2 Accountants, at 780 Sc. each -	1,560	-	-					
4 Clerks, at 480 Sc. each - - -	1,920	-	-					
7 Others, at 360 Sc. each - - -	2,520	-	-					
Another - - - - -	300	-	-					
Solicitor - - - - -	120	-	-					
Civil Engineer - - - - -	1,200	-	-					
2 Office Porters, at 300 Sc. each -	600	-	-					
							Besides professional fees.	

SALARIES, MALTA—FIRST RETURN—*continued.*

LAND REVENUE and PUBLIC WORKS— <i>continued.</i>	ANNUAL RATE OF		
	SALARIES.	Other EMOLUMENTS.	
	<i>Scudi, tari, grains.</i>	<i>Scudi, tari, grains.</i>	
Head Overseer of Works - - -	960 - -		
His Assistant - - - - -	360 - -		
4 Overseers of Works, at 540 Sc. each - - - - -	2,160 - -		
Assistant Overseer - - - -	456 - -		
Head Carpenter and head Plasterer, at 540 Sc. each - - - -	1,080 - -		
Head Mason - - - - -	480 - -		
4 Summoning Officers, at 60 Sc. each - - - - -	240 - -	- - - -	Besides fees.
Intendant of the Stores - - -	960 - -		
Director of the Botanical Garden -	180 - -		
Agricultural Superintendent - -	720 - -		
Head Gardener, Botanical Garden -	420 - -		
4 Gardeners, from 350 Sc. to 150 Sc. each - - - - -	1,020 - -		
Overseer of public gardens in the country - - - - -	480 - -		
Keeper of the Boschetto - - -	240 - -		
Female Keeper of ditto - - -	84 - -		
Keeper of the public slaughter-house - - - - -	360 - -		
Regulator of St. John's clock - -	60 - -		
Superintendent of the Fountains -	500 - -		
Overseer of ditto - - - - -	420 - -		
3 Keepers of ditto, at 324 Sc. each -	972 - -		
Clerk of the Archives of the Order of St. John - - - - -	240 - -		
	25,892 - -	660 - -	
10.—EXCISE ON WINE and SPIRITS.			
Collector - - - - -	- - -	1,452 - 11	-- One per cent. on amount of collections less that of drawbacks, stated on the average of the three years 1810, 1811 and 1812.
Gauger, 22 tari a day - - -	669 7 10		
Porter - - - - -	365 3 -		
	1,034 10 10	1,452 - 11	
11.—VENDUE OFFICE.			
Vendue-master - - - - -	- - -	36,251 10 4	-- The Vendue-master divided with Government the fee of 2 per cent. received on the proceeds of all sales by auction. It is understood that the gain by store-rent covered all charges for clerks or otherwise; and it is inferred from an arrangement afterwards made, that the principal left one-third of the emolument to his deputy. The within-stated sum of 54,377 Sc. 9 t. 6 g. is the same as the amount derived for the Government's share, on the average of the three years, 1810, 1811 and 1812.
His deputy - - - - -	- - -	18,125 11 2	
		54,377 9 6	
12.—TRIBUNALS, POLICE and PRISONS.			
President of the Courts and Police members of the Presidency of Police, also Auditors of the Signature 2,920 Sc. each - - -	2,500 - -		
An Auditor of the Signature - -	5,840 - -		
Another - - - - -	1,920 - -		
A Member of the Presidency of Police - - - - -	1,920 - -		
Secretary to the Auditors - - -	1,000 - -		
6 Judges (namely, 3 of Appeals, 2 Civil and 1 Criminal) of the great Court, 200 Sc. each - -	360 - -		
	1,200 - -	27,000 - -	-- Fees to each, estimated at about 4,500 Sc.
2 Consuls of the court of Marine Consulate - - - - -	- - -	6,000 - -	-- Fees to each, estimated at about 3,000 Sc.
Their Assessor - - - - -	- - -	3,600 - -	-- Fees estimated at about these sums.
Advocate Fiscal of the great Court -	260 - -	1,680 - -	
Fiscal Attorney - - - - -	50 - -	960 - -	
Interpreter - - - - -	480 - -		

SALARIES, MALTA—FIRST RETURN—continued.

TRIBUNALS, POLICE and PRISONS—continued.		ANNUAL RATE OF		
		SALARIES.	Other EMOLUMENTS.	
		Scudi. tari. grains	Scudi. tari. grains.	
Chief Constable	- - -	600 - -	- - -	-- Besides the tenth part of penal fines.
His Lieutenant	- - -	300 - -	- - -	
12 Court Officers and Clerks, from 480 Sc. to 30 Sc. each	- - -	1,698 - -	- - -	
Police Secretary	- - -	1,200 - -	- - -	
Police Inspector	- - -	720 - -	- - -	
His Lieutenant	- - -	480 - -	- - -	
Police Cashier	- - -	720 - -	- - -	
2 Police Clerks, at 600 Sc. each	- - -	1,200 - -	- - -	
Gaoler	- - -	270 - -	- - -	
Under Gaoler	- - -	90 - -	- - -	
Turnkey	- - -	165 - -	- - -	--- Many, if not all, receiving emoluments in addition to their salaries.
31 Serjeants and Constables, from 305 Sc. to 80 Sc. each	- - -	6,580 - -	- - -	
Executioner	- - -	450 - -	- - -	
Trumpeter	- - -	150 - -	- - -	
Advocate for the poor	- - -	150 - -	- - -	
Pro-advocate for the poor	- - -	75 - -	- - -	
2 Commissaries of the streets, at 600 Sc. each	- - -	1,200 - -	- - -	
Overseer of the streets	- - -	360 - -	- - -	
2 others, at 120 Sc. each	- - -	240 - -	- - -	
Another	- - -	72 - -	- - -	
Judge of the court at Notabile	- - -	- - -	2,000 - -	-- Fees estimated at about this sum.
Advocate-fiscal of the same court	- - -	420 - -	- - -	
4 Officers and Clerks of the same court, from 300 Sc. to 60 Sc. each	- - -	564 - -	- - -	- - Many, if not all, receiving emoluments in addition to their salaries.
Chief Constable, Notabile district	- - -	150 - -	- - -	
Gaoler, same district	- - -	150 - -	- - -	
37 Serjeants and Constables in the country, from 240 Sc. to 30 Sc. each	- - -	5,040 - -	- - -	
24 Lieutenants of towns and casals, from 960 Sc. to 240 Sc. each	- - -	11,760 - -	- - -	
Governor	- - -	3,000 - -	- - -	
His Secretary	- - -	120 - -	- - -	
Ordinary Judge	- - -	- - -	2,200 - -	
Judge of Appeals	- - -	- - -	1,100 - -	
Advocate Fiscal	- - -	360 - -	- - -	
Advocate for the poor	- - -	60 - -	- - -	-- Many, if not all, receiving emoluments in addition to their salaries.
5 Court officers and clerks, from 240 Sc. to 30 Sc. each	- - -	564 - -	- - -	
Chief Constable	- - -	150 - -	- - -	
Gaoler	- - -	120 - -	- - -	
11 Serjeants and Constables, from 240 Sc. to 30 Sc. each	- - -	870 - -	- - -	
6 Syndics of casals, at 90 Sc. each	- - -	540 - -	- - -	
Clerk	- - -	420 - -	- - -	
Chaplain	- - -	120 - -	- - -	
Surgeon	- - -	264 - -	- - -	
3 Gaolers, at 312 Sc. each	- - -	936 - -	- - -	
Under Gaoler	- - -	216 - -	- - -	13.—UNIVERSITY OF VALLETTA.
5 Turnkeys, at 132 Sc. each	- - -	660 - -	- - -	
Cook	- - -	360 - -	- - -	
Scullion	- - -	75 - -	- - -	
		59,169* - -	44,440 - -	
Grain Department.				
3 Jurats, at 1,200 Sc. each	- - -	3,600 - -	- - -	
Another	- - £.300 - t	3,333 4 -	- - -	
Depositary	- - -	1,200 - -	- - -	
Cashier	- - -	900 - -	- - -	
Chancellor, or Notary	- - -	900 - -	- - -	
His Assistant	- - -	390 - -	- - -	
Paymaster, " Tesoriere"	- - -	1,080 - -	- - -	

SALARIES, MALTA—FIRST RETURN—continued.

	ANNUAL RATE OF		
	SALARIES.	Other EMOLUMENTS.	
	<i>Scudi. tari. grains.</i>	<i>Scudi. tari. grains.</i>	
UNIVERSITY OF VALLETTA— <i>Grain Department—cont^d.</i>			
First Accountant - - -	1,080 - -		
2 Accountants, at 720 Sc. each - -	1,440 - -		
2 Clerks, at 240 Sc. - - -	480 - -		
Inspector of corn - - -	1,080 - -		
3 First Clerks of the Fosses, at 720 Sc. each - - -	2,160 - -		
3 Second Clerks of the Fosses, at 600 Sc. - - -	1,800 - -		
3 Storekeepers, at 720 Sc. - - -	2,160 - -		
2 Others, at 600 Sc. - - -	1,200 - -		
77 Measurers and Labourers, from 10 tari to 4 tari each a day, making for a mean year - -	19,875 8 5		
Keeper of the oil-tanks - - -	600 - -		
Office Porter - - -	540 - -		
2 Footmen or Messengers, at 240 Sc. each - - -	480 - -		
2 Overseers of the market, Valletta, at 600 Sc. each - - -	1,200 - -		
5 Under-overseers of ditto, at 240 Sc. - - -	1,200 - -		
Overseer of the market, Three Cities - - -	480 - -		
3 Under-overseers of ditto, at 240 Sc. - - -	720 - -		
Consul of Bakers - - -	240 - -		
Market Serjeant - - -	180 - -		
Subsidy to the University of Gozo, for the salaries of 6 officers thereof; namely, 4 Jurats, the Chancellor and Treasurer, at 240 Sc. each - - -	1,440 - -		
Regulator of the clock of Città Vittoriosa - - -	30 - -		
	49,789 - 5		
14.—CHARITABLE INSTITUTIONS.			
<i>Hospitals.</i>			
2 Presidents, at 400 Sc. each - -	800 - -		
Another - - -	420 - -		
Commissary - - -	420 - -		
7 Chaplains, at 240 Sc. each - -	1,680 - -		
Greek Priest - - -	20 - -		
2 Vestry-keepers, 360 Sc and 180 Sc. - - -	540 - -		
2 Administrators, at 780 Sc. each - -	1,560 - -		
4 Clerks, at 480 Sc. - - -	1,920 - -		
Another - - -	360 - -		
Steward - - -	480 - -		
Door-keeper - - -	360 - -		
Cook - - -	360 - -		
40 Physicians, Surgeons, Mates, Apothecaries and Dispensers, from 720 Sc. to 150 Sc. each - -	15,492 - -		
Keeper of the burial-ground - -	240 - -		
Lecturer - - -	180 - -		
Professor of Midwifery - - -	300 - -		
Matron - - -	180 - -		
Midwife - - -	120 - -		
2 Female Dispensers, at 150 Sc. each - - -	300 - -		
Notary - - -	180 - -		
6 Physicians and Surgeons employed externally for the Poor, from 80 Sc. to 32 Sc. each - -	332 6 -		
54 Ward-keepers, Nurses, male and female Servants and Labourers, from 330 Sc. to 30 Sc. each - -	10,062 - -		
<i>"Ospizj," or Asylums.</i>			
Clerk - - -	720 - -		
2 Chaplains, 240 Sc. and 120 Sc. - -	360 - -		
Surgeon - - -	120 - -		
Weaving-mistress - - -	240 - -		
Matron - - -	180 - -		
School-mistress - - -	360 - -		

- - Many, if not all, of the menials, and perhaps some others, of the Charitable Institutions, were provided with rations of food in addition to their salaries.

- - Many, if not all, of the menials, and perhaps some others, of the Charitable Institutions, were provided with rations of food in addition to their salaries.

SALARIES, MALTA—FIRST RETURN—continued.

	ANNUAL RATE OF		
	SALARIES.	Other EMOLUMENTS.	
CHARITABLE INSTITUTIONS— "Ospizj," or Asylums—cont ^d .			
2 Nurses of Foundlings, at 360 Sc. each	Scudi. tari. grains. 720 - -	Scudi. tari. grains.	
15 (chiefly Female) Ward-keepers, Teachers, Porters and Servants, from 180 Sc. to 51 Sc. each	1,713 - -		
Office of Alms.			
Grand Almoner	- - -	600 - -	For Calesse.
2 Clerks, 540 Sc. and 360 Sc.	900 - -		
Porter	180 - -		
Female Dispenser	90 - -		
Hospital of Gozo.			
Was separately administered from its own means, with aid from Govern- ment, the latter of which is esti- mated to have covered the emolu- ments of the individuals employed	- - -	972 9 -	-- (Exclusive of con- tingent aid.)
15.—UNIVERSITY OF LITERATURE.	41,889 6 -	1,572 9 -	
Rector	600 - -		
21 Professors or Masters, from 360 Sc. to 120 Sc. each	5,560 - -		
Prefect	150 - -		
Regulator of the clock	35 - -		
Porter	132 - -		
	6,477 - -		
16.—PUBLIC LIBRARY.			
Librarian	480 - -		
Deliverer of books	360 - -		
Porter	240 - -		
	1,080 - -		
17.—MISCELLANEOUS.			
Commanding Engineer	- - -	2,029 2 -	10s. Sterling a day.
Collector of the duty on transfer of immoveable property	- - -	1,200 - -	--- A charge not au- thorized at the time, but eventually sustained by the Government.
		3,229 2 -	

SUMMARY OF THE FOREGOING PARTICULARS:

BRANCHES OF SERVICE.	ANNUAL RATE OF		TOTALS.
	SALARIES.	Other EMOLUMENTS.	
	Scudi. tari. grs.	Scudi. tari. grs.	Scudi. tari. grs.
1. PALACE ESTABLISHMENT	54,515 9 6	30,666 6 19	85,182 4 5
2. SECRETARY'S AND DEPENDENT OFFICES	46,426 8 -	- - -	46,426 8 -
3. TREASURY	19,451 6 13	- - -	19,451 6 13
4. AUDIT OF ACCOUNTS	- - -	2,029 2 -	2,029 2 -
5. CUSTOMS	8,100 - -	4,353 4 -	12,453 4 -
6. QUARANTINE	27,086 2 8	3,090 - -	30,176 2 8
7. MARINE POLICE	6,590 - -	2,120 - -	8,710 - -
8. PORT DUES	3,300 - -	- - -	3,300 - -
9. LAND REVENUE AND PUBLIC WORKS	25,892 - -	660 - -	26,552 - -
10. EXCISE ON WINE AND SPIRITS	1,034 10 10	1,452 - 11	2,486 - -
11. VENDUE OFFICE	- - -	54,377 9 6	54,377 9 6
12. TRIBUNALS, POLICE AND PRISONS	59,169 - -	44,440 - -	103,609 - -
13. UNIVERSITY OF VALLETTA (Grain De- partment)	49,789 - 5	- - -	49,789 - 5
14. CHARITABLE INSTITUTIONS	41,889 6 -	1,572 9 -	43,462 3 -
15. UNIVERSITY OF LITERATURE	6,477 - -	- - -	6,477 - -
16. PUBLIC LIBRARY	1,080 - -	- - -	1,080 - -
17. MISCELLANEOUS	- - -	3,229 2 -	3,229 2 -
	350,801 7 2	147,990 9 16	498,792 4 18

Equal, at 1 s. 9 $\frac{3}{4}$ d. per Scudo, to £. 44,891. 6. 4. Sterling.

Malta, 29 December 1835.

W^m H^y Thornton, Aud^r Gen.

SALARIES, MALTA.—SECOND RETURN.

[With reference to the accompanying Explanatory Statement.]

A RETURN, showing the ANNUAL RATE and AMOUNT of all SALARIES and other pecuniary Allowances derived from Government by Persons holding Situations in or under the CIVIL GOVERNMENT of *Malta*, as borne on the 1st day of January 1816.

Note.—Salaries originally fixed in Sterling, were at this time defrayed at the rate of 4*s.* 6*d.* the Spanish Dollar, then legally current in Malta, for Scudi 2. 6. 10.

				1st January 1816. ANNUAL RATE.	
1.—PALACE ESTABLISHMENT.				Scudi.	t. g.
Governor	-	-	£. 5,000 - Sc. 56,481. 4. 16.	62,985	4 16
Coach and Calesse Allowance	-	-	6,504. - -	5,648	1 4
Private Secretary	-	-	£. 500. - -	3,388	10 4
Chaplain	-	-	£. 300. - -	195	- -
Clerk to Chaplain	-	-	- - - -	500	- -
Keeper of the Apartments	-	-	- - - -	336	- -
Regulator of the Clocks	-	-	- - - -	450	- -
Lamplighter	-	-	- - - -	370	- -
Orderly	-	-	- - - -	480	- -
Messenger	-	-	- - - -	360	- -
Another	-	-	- - - -		
				74,713	4 4
2.—CHIEF SECRETARY'S AND DEPENDENT OFFICES.					
Chief Secretary to Government	-	-	£. 1,500. - Sc. 16,944 4 16	17,944	4 16
Calesse Allowance	-	-	1,000 - -	5,000	- -
First Assistant	-	-	- - - -	3,333	- -
Second Assistant	-	-	- - - -		
Third Assistant	-	-	Sc. 3,000 - -	4,200	- -
For superintending the Post-office	-	-	1,200 - -		
Registrar	-	-	- - - -	1,200	- -
A Clerk	-	-	- - - -	2,500	- -
Another	-	-	- - - -	2,000	- -
Another	-	-	- - - -	1,500	- -
Another	-	-	- - - -	1,080	- -
Another	-	-	- - - -	1,000	- -
Another	-	-	- - - -	960	- -
Office-keeper	-	-	- - - -	420	- -
Orderly	-	-	- - - -	370	- -
Director of the Post-office	-	-	- - - -	720	- -
Messenger of the Post-office	-	-	- - - -	90	- -
Editor of the Gazette	-	-	- - - -	2,200	- -
Distributor of the Gazette	-	-	- - - -	360	- -
Inspector of the Printing-office	-	-	- - - -	1,200	- -
Reviser of the Press	-	-	- - - -	360	- -
Printer	-	-	- - - -	780	- -
15 Compositors and Pressmen, from 660 Sc. to 480 Sc. each	-	-	- - - -	8,880	- -
				56,097	4 16
3.—TREASURY.					
Treasurer to Government	-	-	£. 1,000 - Sc. 11,296 3 12	12,296	3 12
Calesse Allowance	-	-	1,000 - -	4,000	- -
Cashier	-	-	- - - -	1,200	- -
An Accountant	-	-	- - - -	1,080	- -
Another	-	-	- - - -	960	- -
A Clerk	-	-	- - - -	720	- -
Another	-	-	- - - -	960	- -
2 Others, at 480 Sc. each	-	-	- - - -	420	- -
Porter	-	-	- - - -	300	- -
Messenger	-	-	- - - -		
				21,936	3 12
4.—AUDIT OF ACCOUNTS.					
Auditor, 15 <i>s.</i> sterling a day	-	-	- - - -	3,094	5 8
2 Clerks, at Sc. 1,080 each	-	-	- - - -	2,160	- -
Commissioner for investigating Arrear Accounts	-	-	- - - -	5,000	- -
His Assistant	-	-	- - - -	2,000	- -
Messenger to the Auditor	-	-	- - - -	180	- -
				12,434	5 8

SALARIES, MALTA.—SECOND RETURN—*continued.*

										1st January 1816.
										ANNUAL RATE.
5.—CUSTOMS.										Scudi. t. g.
Collector -	-	-	-	-	-	-	-	-	-	5,000 - -
3 Clerks, at 1,080 Sc. each	-	-	-	-	-	-	-	-	-	3,240 - -
2 others, at 720	-	-	-	-	-	-	-	-	-	1,440 - -
2 others, at 480	-	-	-	-	-	-	-	-	-	960 - -
Porter	-	-	-	-	-	-	-	-	-	420 - -
Messenger	-	-	-	-	-	-	-	-	-	300 - -
Head Weigher	-	-	-	-	-	-	-	-	-	360 - -
8 Weighers, at 180 Sc. each	-	-	-	-	-	-	-	-	-	1,440 - -
Examiner of Cotton-yarn	-	-	-	-	-	-	-	-	-	360 - -
										13,520 - -
6.—QUARANTINE.										
Superintendent	-	-	-	-	-	-	-	-	£. 800	9,037 - -
Registrar	-	-	-	-	-	-	-	-	-	4,000 - -
Pratique-Master ["Protomedico"]	-	-	-	-	-	-	-	-	-	1,440 - -
First Clerk	-	-	-	-	-	-	-	-	-	1,200 - -
A Clerk	-	-	-	-	-	-	-	-	-	900 - -
3 others, at 720 Sc. each	-	-	-	-	-	-	-	-	-	2,160 - -
Another	-	-	-	-	-	-	-	-	-	420 - -
Captain of the Lazaretto	-	-	-	-	-	-	-	-	-	2,520 - -
Captain of the Port	-	-	-	-	-	-	-	-	-	2,400 - -
Director of the Barrier	-	-	-	-	-	-	-	-	-	600 - -
Fumigator	-	-	-	-	-	-	-	-	-	600 - -
His Assistant	-	-	-	-	-	-	-	-	-	420 - -
Office Messenger	-	-	-	-	-	-	-	-	-	420 - -
3 Guardians, from 732 Sc. to 372 Sc. each	-	-	-	-	-	-	-	-	-	1,656 - -
11 Keepers of the Barrier, at 456 Sc. each	-	-	-	-	-	-	-	-	-	5,016 - -
19 Boatmen, at the same rate	-	-	-	-	-	-	-	-	-	8,664 - -
										41,453 - -
7.—MARINE POLICE.										
Intendant	-	-	-	-	-	-	-	-	-	5,000 - -
First Assistant	-	-	-	-	-	-	-	-	-	2,160 - -
2 Assistants, at 1,800 Sc. each	-	-	-	-	-	-	-	-	-	3,600 - -
2 Searchers, at 1,200	-	-	-	-	-	-	-	-	-	2,400 - -
First Clerk	-	-	-	-	-	-	-	-	-	1,080 - -
A Clerk	-	-	-	-	-	-	-	-	-	900 - -
Another	-	-	-	-	-	-	-	-	-	720 - -
Another	-	-	-	-	-	-	-	-	-	450 - -
Serjeant	-	-	-	-	-	-	-	-	-	480 - -
2 Office Messengers, at 420 Sc. each	-	-	-	-	-	-	-	-	-	840 - -
Coxswain	-	-	-	-	-	-	-	-	-	540 - -
16 Boatmen, at 456 Sc. each	-	-	-	-	-	-	-	-	-	7,926 - -
Keeper of the Lighthouse	-	-	-	-	-	-	-	-	-	160 - -
2 Keepers of the Pulverist, at 360 Sc. each	-	-	-	-	-	-	-	-	-	720 - -
Porter of the Pulverist	-	-	-	-	-	-	-	-	-	300 - -
Overseer of pontoons	-	-	-	-	-	-	-	-	-	547 10 10
Keeper of pontoons	-	-	-	-	-	-	-	-	-	471 9 7
										27,665 7 17
8.—PORT DUES.										
Collector	-	-	-	-	-	-	-	-	-	2,400 - -
Assistant	-	-	-	-	-	-	-	-	-	540 - -
Office Messenger	-	-	-	-	-	-	-	-	-	300 - -
										3,240 - -
9.—LAND REVENUE AND PUBLIC WORKS.										
Collector	-	-	-	-	-	-	£. 500 (short)	Sc. 5,640 }		6,640 - -
Calesse Allowance	-	-	-	-	-	-	-	1,000 }		
Deputy Collector	-	-	-	-	-	-	-	-		3,050 - -
Assistant	-	-	-	-	-	-	-	-		1,500 - -
Notary and Keeper of Records	-	-	-	-	-	-	-	-		1,200 - -
His Assistant	-	-	-	-	-	-	-	-		720 - -
Book keeper	-	-	-	-	-	-	-	-		960 - -
A Clerk	-	-	-	-	-	-	-	-		660 - -
4 others, at 600 Sc. each	-	-	-	-	-	-	-	-		2,400 - -
Office-keeper	-	-	-	-	-	-	-	-		360 - -
Orderly	-	-	-	-	-	-	-	-		370 - -
A late Administrator, for special Service	-	-	-	-	-	-	-	-		1,680 - -

(continued.)

SALARIES, MALTA.—SECOND RETURN—*continued.*

										1st January 1816. ANNUAL RATE.			
LAND REVENUE AND PUBLIC WORKS—continued.										Scudi.	t.	g.	
Civil Artificers.	{	Head Superintendent	-	-	-	-	-	-	-	2,000	-	-	
		2 Assistants, at 900 Sc. each	-	-	-	-	-	-	-	1,800	-	-	
		Clerk of Works	-	-	-	-	-	-	-	540	-	-	
		2 Overseers of Works, at Sc. 547. 10. 10. each	-	-	-	-	-	-	-	1,095	9	-	
		Overseer of Aqueducts	-	-	-	-	-	-	-	600	-	-	
		3 Keepers of ditto, at 480 Sc. each	-	-	-	-	-	-	-	1,440	-	-	
		Storekeeper	-	-	-	-	-	-	-	960	-	-	
		Clerk of Stores	-	-	-	-	-	-	-	600	-	-	
		Porter of Stores	-	-	-	-	-	-	-	480	-	-	
		Carter	-	-	-	-	-	-	-	450	-	-	
		Head Master Carpenter	-	-	-	-	-	-	-	900	-	-	
		Head Master Millwright	-	-	-	-	-	-	-	900	-	-	
		Head Master Blacksmith	-	-	-	-	-	-	900	-	-		
Director of the Botanical Garden										180	-	-	
6 Gardeners in - ditto, - from 330 Sc. to 150 Sc. each										1,628	9	-	
Keeper of the Boschetto										240	-	-	
Female Keeper of ditto										84	-	-	
Keeper of the Fungus Rock of Malta										100	-	-	
Island of Gozo.	{	Collector	-	-	-	-	-	-	-	2,000	-	-	
		2 Clerks, 720 Sc. and 540 Sc.	-	-	-	-	-	-	-	-	1,260	-	-
		Office Porter	-	-	-	-	-	-	-	-	240	-	-
		Keeper of the Fungus Rock	-	-	-	-	-	-	-	-	60	-	-
										37,998	6	-	
10.—EXCISE ON WINE AND SPIRITS.													
Collector, one per cent. on Collections, which averaged, from the 1st January 1816 to the 31st March 1819, when it ceased										1,214	10	4	
Clerk										600	-	-	
Gauger										720	-	-	
Porter										420	-	-	
										2,954	10	4	
11.—VENDUE OFFICE.													
Deputy Vendue Master; his share of the Per Centage on Sales amounted in 1815, to										2,703	7	2	
First Clerk										1,800	-	-	
A Clerk										900	-	-	
Another										780	-	-	
Crier										960	-	-	
2 Deliverers of Goods, at 640 Sc. each										1,280	-	-	
Storekeeper										480	-	-	
Porter										360	-	-	
										9,263	7	2	
12.—TRIBUNALS, POLICE AND PRISONS.													
Superior Courts.	{	President	-	-	-	-	-	-	-	6,000	-	-	
		6 Judges, at 5,000 Sc. each	-	-	-	-	-	-	-	30,000	-	-	
		Assessor to Government	-	-	£. 1,200.	-	Sc. 13,555.	6.					
		Calesse Allowance	-	-	-	-	1,000.	-			14,555	6	-
		2 late Auditors of the Signature (one of whom also one of the six Judges) at 1,920 Sc. each	-	-	-	-	-	-	-		3,840	-	-
		Secretary to Assessor	-	-	-	-	-	-	-		2,259	3	-
		Crown Advocate	-	-	-	-	-	£. 600			6,777	9	-
		Crown Solicitor (also Assessor's Secretary)	-	-	-	-	-	-	-		1,000	-	-
		4 Officers and Clerks of the Criminal Court, from 960 Sc. to 480 Sc. each	-	-	-	-	-	-	-		2,520	-	-
Inferior Courts.	{	2 Police Magistrates, at 2,500 Sc.	-	-	-	-	-	-		5,000	-	-	
		2 others, at 1,500 Sc.	-	-	-	-	-	-	-		3,000	-	-
		3 Court Officers, from 960 Sc. to 420 Sc. each	-	-	-	-	-	-	-		1,980	-	-
		Porter	-	-	-	-	-	-	-		360	-	-
Lord Lieutenancy.	{	6 Lord Lieutenants, at 1,000 Sc. each	-	-	-	-	-	-		6,000	-	-	
		24 Deputy Lieutenants of Towns and Casals, from 960 Sc. to 240 Sc. each	-	-	-	-	-	-	-		11,760	-	-

SALARIES, MALTA.—SECOND RETURN—continued.

		1st January 1816. ANNUAL RATE.		
TRIBUNALS, POLICE AND PRISONS—continued.		Scudi.	t.	g.
Executive Police.	Inspector General - - - - - 19s. a day - Sc. 3,920	4,920	-	-
	Calesse Allowance - - - - - 1,000	1,440	-	-
	His Secretary - - - - -	960	-	-
	First Clerk - - - - -	3,600	-	-
	6 Clerks, from 720 Sc. to 420 Sc. each - - - - -	1,680	-	-
	Medical Officer - - - - -	720	-	-
	First Adjutant - - - - -	600	-	-
	His Lieutenant - - - - -	1,800	-	-
	2 Adjutants, at 900 Sc. each - - - - -	600	-	-
	Another - - - - -	600	-	-
	Chief Constable, 1st district - - - - -	300	-	-
	His Lieutenant - - - - -	4,570	-	-
	22 Serjeants and Constables, same district, from 305 Sc. to 80 Sc. each - - - - -	150	-	-
	Chief Constable, 2d district - - - - -	1,140	-	-
	17 Constables, same district, from 120 Sc. to 60 Sc. each - - - - -	450	-	-
	Executioner - - - - -	150	-	-
	Trumpeter - - - - -			
	Gaoler, 1st district - - - - -	270	-	-
	Under Gaoler, same district - - - - -	90	-	-
	Turnkey, same district - - - - -	165	-	-
	Gaoler, 2d district - - - - -	150	-	-
Great Prison.				
Prisons.	Clerk - - - - -	516	-	-
	Chaplain - - - - -	198	-	-
	Surgeon - - - - -	312	-	-
	2 Gaolers, 360 Sc. and 264 Sc. - - - - -	624	-	-
	Under Gaoler - - - - -	240	-	-
	3 Turnkeys, at 240 Sc. each - - - - -	720	-	-
Collection of Dues.	Boy - - - - -	60	-	-
	Collector - - - - -	2,000	-	-
	Clerk - - - - -	960	-	-
Advocate for the Poor	Messenger - - - - -	300	-	-
Four Overseers of streets, from 360 Sc. to 72 Sc. each - - - - -		150	-	-
Island of Gozo.		672	-	-
	Commandant - - - - -	2,000	-	-
	Police Adjutant - - - - -	900	-	-
	Commandant's Clerk - - - - -	900	-	-
	Another Clerk - - - - -	540	-	-
	Four Police Serjeants, at 240 Sc. each - - - - -	960	-	-
	Six Syndics of Casals, at 130 Sc. - - - - -	780	-	-
	Two Magistrates, at 1,000 Sc. - - - - -	2,000	-	-
	Court Registrar - - - - -	730	-	-
	His Deputy - - - - -	650	-	-
	Porter - - - - -	180	-	-
	Four Constables, from 120 Sc. to 60 Sc. each - - - - -	300	-	-
	Gaoler - - - - -	240	-	-
		136,339	6	-

13.—UNIVERSITY OF VALLETTA.

Grain Department.

A Jurat - - - - -	£. 1000	11,296	3	12
3 Others, at 2,400 Sc. each - - - - -		7,200	-	-
Depositary - - - - -		1,200	-	-
Cashier - - - - -		900	-	-
First Clerk - - - - -		1,800	-	-
A Clerk - - - - -		900	-	-
2 Others, 720 Sc. and 600 Sc. - - - - -		1,320	-	-
General Storekeeper - - - - -		1,080	-	-
Inspector of Corn - - - - -		1,080	-	-
Eleven Storekeepers and assistants attached to the granaries, from 900 Sc. to 600 Sc. each - - - - -		8,160	-	-
35 Measurers and Labourers, from 390 Sc. to 180 Sc. each - - - - -		10,350	-	-
Office Porter - - - - -		540	-	-
2 Messengers, at 360 Sc. each - - - - -		720	-	-

SALARIES, MALTA.—SECOND RETURN—*continued.*

	1st January 1816. ANNUAL RATE.
UNIVERSITY OF VALLETTA—Grain Department—<i>continued.</i>	
2 Overseers of the Market, Valletta, at 600 Sc. each - - - - -	Scudi. <i>l.</i> <i>g.</i> 1,200 - - -
4 Under Overseers of ditto, at 240 Sc. each - - - - -	960 - - -
Overseer of the Market, Three Cities - - - - -	480 - - -
3 Under Overseers of ditto, at 240 Sc. - - - - -	720 - - -
Consul of Bakers - - - - -	240 - - -
Market Serjeant - - - - -	180 - - -
Regulator of the clock of Citta Vittoriosa - - - - -	30 - - -
An Assistant for special duties, 500 <i>l.</i> - - - - -	5,648 1 4
Keeper of the cattle receptacle - - - - -	360 - - -
Money Porter - - - - -	365 3 -
Subsidy to the University of Gozo, for the salaries of 6 officers thereof, namely, 4 jurats, the chancellor and treasurer, at 240 Sc. each - - - - -	1,440 - - -
	58,169 7 16
14.—CHARITABLE INSTITUTIONS.	
A Member of the Permanent Committee - - - - -	1,600 - - -
Another - - - - -	2,064 - - -
Another - - - - -	1,000 - - -
Purveyor - - - - -	2,064 - - -
First Clerk - - - - -	1,080 - - -
<i>Hospitals.</i>	
2 Clerks, 960 Sc. and 600 Sc. - - - - -	1,560 - - -
Steward - - - - -	600 - - -
18 Physicians, Surgeons and other medical officers, from 1,800 Sc. to 360 Sc. each - - - - -	12,972 - - -
4 Chaplains, at 300 Sc. each - - - - -	1,200 - - -
Vestry-keeper - - - - -	360 - - -
Door-keeper - - - - -	360 - - -
Cook - - - - -	420 - - -
Lecturer on midwifery - - - - -	420 - - -
Matron - - - - -	300 - - -
Female Dispenser - - - - -	240 - - -
32 Ward-keepers, nurses, male and female servants and labourers, from 420 Sc. to 240 Sc. each - - - - -	10,320 - - -
Keeper of the burial-ground - - - - -	240 - - -
6 Physicians and Surgeons employed externally for the poor, from 80 Sc. to 10 Sc. each - - - - -	342 - - -
<i>" Ospizj " or Asylums.</i>	
Clerk - - - - -	720 - - -
Chaplain - - - - -	600 - - -
Surgeon - - - - -	120 - - -
Weaving-mistress - - - - -	240 - - -
Matron - - - - -	180 - - -
Schoolmistress - - - - -	360 - - -
First Keeper of male maniacs - - - - -	600 - - -
2 Nurses of infants, at 360 Sc. each - - - - -	720 - - -
13 (chiefly female) Ward-keepers, teachers, porters and servants, from 180 Sc. to 51 Sc. each - - - - -	1,383 - - -
<i>Office of Alms.</i>	
An Assistant - - - - -	300 - - -
2 Clerks, 540 Sc. and 360 Sc. - - - - -	900 - - -
Office Messenger - - - - -	180 - - -
Female Dispenser - - - - -	90 - - -
<i>Hospital of Gozo.</i>	
Was subsidized by Government ; of which allowance 1,230 Sc. and 60 Sc. ap- pear to have been given for payment of salaries - - - - -	1,290 - - -
	44,825 - - -
15.—UNIVERSITY OF LITERATURE.	
Rector - - - - -	600 - - -
20 Professors or masters, from 360 Sc. to 120 Sc. each - - - - -	5,260 - - -
Prefect - - - - -	150 - - -
Regulator of the clock - - - - -	35 - - -
Porter - - - - -	150 - - -
	6,195 - - -

SALARIES, MALTA.—SECOND RETURN—continued.

										1st January 1816. ANNUAL RATE.		
16.—PUBLIC LIBRARY.										Scudi.	t.	g.
Librarian	-	-	-	-	-	-	-	-	-	600	-	-
Deliverer of books	-	-	-	-	-	-	-	-	-	360	-	-
Porter	-	-	-	-	-	-	-	-	-	240	-	-
										1,200	-	-
17.—MISCELLANEOUS.												
Agent in London	-	-	-	-	-	-	-	-	£. 600	6,777	9	-
Commanding Engineer, 20s. a day	-	-	-	-	-	-	-	-	-	4,125	11	8
Collector of the duty on transfer of immoveable property (a charge not authorized at the time, but eventually sustained by the Government)	-	-	-	-	-	-	-	-	-	1,200	-	-
										12,103	8	8

SUMMARY OF THE FOREGOING PARTICULARS:

BRANCHES OF SERVICE.										ANNUAL RATE of SALARIES on the 1st January 1816.		
										Scudi.	t.	g.
1. PALACE ESTABLISHMENT	-	-	-	-	-	-	-	-	-	74,713	4	4
2. CHIEF SECRETARY'S AND DEPENDENT OFFICES	-	-	-	-	-	-	-	-	-	56,097	4	16
3. TREASURY	-	-	-	-	-	-	-	-	-	21,936	3	12
4. AUDIT OF ACCOUNTS	-	-	-	-	-	-	-	-	-	12,434	5	8
5. CUSTOMS	-	-	-	-	-	-	-	-	-	13,520	-	-
6. QUARANTINE	-	-	-	-	-	-	-	-	-	41,453	-	-
7. MARINE POLICE	-	-	-	-	-	-	-	-	-	27,665	7	17
8. PORT DUES	-	-	-	-	-	-	-	-	-	3,240	-	-
9. LAND REVENUE AND PUBLIC WORKS	-	-	-	-	-	-	-	-	-	37,998	6	-
10. EXCISE ON WINE AND SPIRITS	-	-	-	-	-	-	-	-	-	2,954	10	4
11. VENDUE OFFICE	-	-	-	-	-	-	-	-	-	9,263	7	2
12. TRIBUNALS, POLICE AND PRISONS	-	-	-	-	-	-	-	-	-	136,339	6	-
13. UNIVERSITY OF VALLETTA (Grain Department)	-	-	-	-	-	-	-	-	-	58,169	7	16
14. CHARITABLE INSTITUTIONS	-	-	-	-	-	-	-	-	-	44,825	-	-
15. UNIVERSITY OF LITERATURE	-	-	-	-	-	-	-	-	-	6,195	-	-
16. PUBLIC LIBRARY	-	-	-	-	-	-	-	-	-	1,200	-	-
17. MISCELLANEOUS	-	-	-	-	-	-	-	-	-	12,103	8	8
										560,109	11	7

Equal, at 4s. 6d. the Spanish Dollar of Sc. 2. 6. 10., to £. 49,583. 10. 1. Sterling.*

* But in the Comparative View (6th Return), for the reason given in the explanatory Statement, the conversion is made at the rate of 4s. 3½d. the current Dollar of Sc. 2. 6. giving £. 48,076. 2. 1.

Malta, 29 December 1835.

W^m H^d Thornton, Auditor General.

SALARIES, MALTA.—THIRD RETURN.

[With reference to the accompanying Explanatory Statement.]

A RETURN showing the ALTERATIONS taken place from the 1st January 1816 to the 31st December 1825, in the ANNUAL RATE and AMOUNT of SALARIES and other PECUNIARY ALLOWANCES derived from GOVERNMENT by Persons holding Situations in or under the CIVIL GOVERNMENT of Malta, as stated in the Second of these Returns, exhibiting the Proportion for each Year.

Notes.—1. Temporary vacancies are not noticed. 2. Alterations in the denomination of official appointments are likewise passed over, where the amount of emolument has undergone no change. 3. Where an alteration is stated to be from one sum to another, it is to be understood that the situation continues; but where a single sum is expressed against an appointment, that a place has been created or suppressed, accordingly as the increase or reduction may denote.

ALTERATIONS IN 1816.			RESULT ON EACH BRANCH.			
			INCREASE.	REDUCTION.	INCREASE.	REDUCTION.
			Scudi. tari. grs.	Scudi. tari. grs.	Scudi. tari. grs.	Scudi. tari. grs.
1.—PALACE ESTABLISHMENT.						
Lieutenant Governor	-	-	11,296 3 12	-	-	-
Three Pilots of the Signal Tower, together	-	-	1,500 - -	-	12,376 3 12	-
One of the above	-	-	-	480 - -	-	-
2.—CHIEF SECRETARY'S and DEPENDENT OFFICES.						
An Assistant	-	-	3,388 10 4	-	-	-
Editorship of the Gazette, from 2,200 Sc. to 1,200 Sc.	-	-	-	1,000 - -	-	-
A Clerk	-	-	-	1,080 - -	-	-
A Clerk, from 2,000 Sc. to 1,200 Sc.	-	-	-	800 - -	-	-
An Assistant, from £. 300—Sc. 3,388. 10. 4. to 3,000 Sc.	-	-	-	388 10 4	-	-
Director of the Post-office	-	-	-	720 - -	1,080 - -	-
Two Messengers, at 240 Sc. each	-	-	480 - -	-	-	-
A Compositor, Printing-office	-	-	600 - -	-	-	-
Two Clerks, Post-office, 180 Sc. and 60 Sc.	-	-	240 - -	-	-	-
Another Clerk, same office	-	-	480 - -	-	-	-
A Compositor, Printing-office, from 600 Sc. to 480 Sc.	-	-	-	120 - -	-	-
3.—TREASURY.						
Two Clerks, at 480 Sc. each	-	-	-	960 - -	-	-
5.—CUSTOMS.						
A Chief Clerk	-	-	1,694 4 16	-	1,694 4 16	-
6.—QUARANTINE.						
A Furnigator	-	-	730 6 -	-	-	-
Allowance to the Commandant at Fort Manuel	-	-	619 - -	-	1,349 6 -	-
9.—LAND REVENUE and PUBLIC WORKS.						
Two Clerks, at 600 Sc. each	-	-	1,200 - -	-	1,200 - -	-
11.—VENDUE OFFICE.						
A Deliverer of Goods	-	-	-	640 - -	-	-
The Deputy Vendue-master's per centage on sales was, in 1815, Sc. 2,703. 7. 2.; in 1816, Sc. 1,704. 3. 18.	-	-	-	999 3 4	-	1,639 3 4
Annual rate on the 1st January 1816, as shown in the second Return - -			560,109 11 7			

SALARIES, MALTA—THIRD RETURN—continued.

ALTERATIONS IN 1817—continued.									
2.—CHIEF SECRETARY'S AND DEPENDENT OFFICES.									
A Clerk	-	-	-	-	-	-	-	-	-
Another	-	-	-	-	-	-	-	-	-
Another	-	-	-	-	-	-	-	-	-
Orderly, from 370 Sc. to 360 Sc.	-	-	-	-	-	-	-	-	-
2 Clerks, at 960 Sc. each	-	1,920	-	-	-	-	-	-	-
An Assistant, from 3,000 Sc. to 2,500 Sc.	-	-	-	-	-	-	-	-	-
Office-keeper (consolidating the duty of keeper of palace apartments) from 420 Sc. to 600 Sc.	-	180	-	-	-	-	-	-	-
Superintendent of Post-office, from 1,200 Sc. to Sc. 1,694. 5. 8.	-	494	5	8	-	-	-	-	-
Post-office Messenger, from 90 Sc. to 300 Sc.	-	210	-	-	-	-	-	-	-
Printer, from 780 Sc. to 600 Sc.	-	-	-	-	-	-	-	-	-
15 Compositors and Pressmen, together, from 8,880 Sc. to 8,040 Sc.	-	-	-	-	-	-	-	-	-
Agio on Chief Secretary's Sterling salary	-	531	3	12	-	-	-	-	-
3.—TREASURY.									
Porter, from 420 Sc. to 360 Sc.	-	-	-	-	-	-	-	-	-
Agio on Treasurer's Sterling salary	-	354	1	16	-	294	1	16	-
4.—AUDIT OF ACCOUNTS.									
A Clerk	-	1,080	-	-	-	-	-	-	-
First Clerk, from 1,080 Sc. to 1,800 Sc.	-	720	-	-	-	-	-	-	-
Messenger, from 180 Sc. to 240 Sc.	-	60	-	-	-	1,957	-	12	-
Agio on Auditor's Sterling salary	-	97	-	12	-	-	-	-	-
5.—CUSTOMS.									
Chief Clerk, from Sc. 1,694. 4. 16. to 2,160 Sc.	-	465	7	4	-	-	-	-	-
A Comptroller	-	4,000	-	-	-	4,465	7	4	-
6.—QUARANTINE.									
11 Keepers of the barrier, each from 456 Sc. to 360 Sc.	-	-	-	-	-	-	-	-	-
19 Boatmen, each from 456 Sc. to 384 Sc.	-	-	-	-	-	-	-	-	-
A Clerk, from 420 Sc. to 480 Sc.	-	60	-	-	-	-	-	-	-
Agio on Superintendent's Sterling salary	-	283	4	16	-	-	-	-	-
7.—MARINE POLICE.									
16 Boatmen, each from 456 Sc. to 360 Sc.	-	-	-	-	-	-	-	-	-
2 Messengers, each from 420 Sc. to 360 Sc.	-	-	-	-	-	-	-	-	-
A Registrar, Magistracy of the ports	-	960	-	-	-	-	-	-	-
A Clerk and Interpreter - ditto	-	360	-	-	-	-	-	-	-
A Serjeant	-	480	-	-	-	-	-	-	-
9.—LAND REVENUE AND PUBLIC WORKS.									
2 Clerks, at 600 Sc. each	-	-	-	-	-	-	-	-	-
Porter of Stores, from 480 Sc. to 420 Sc.	-	-	-	-	-	-	-	-	-
Carter, from 450 Sc. to 360 Sc.	-	-	-	-	-	-	-	-	-
Orderly, from 370 Sc. to 360 Sc.	-	-	-	-	-	-	-	-	-
Agio on Collector's Sterling salary	-	185	3	-	-	-	-	-	-

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10.—EXCISE ON WINE AND SPIRITS.									
Porter, from 420 Sc. to 360 Sc.	-	-	-	-	-	60	-	-	60
11.—VENDUE OFFICE.									
A Clerk, from 780 Sc. to 720 Sc.	-	-	-	-	-	60	-	-	-
Crier, from 960 Sc. to 720 Sc.	-	-	-	-	-	240	-	-	-
A Clerk	-	-	-	-	-	720	-	-	1,782
Deliverer of goods, from 640 Sc. to 790 Sc.	-	-	-	-	150	-	-	-	11
The Deputy's per centage on sales amounted in 1816 to Sc. 1,704. 3. 18.; in 1817, to Sc. 791. 3. 19.-	-	-	-	-	-	912	11	19	-
12.—TRIBUNALS, POLICE AND PRISONS.									
A Crown Advocate	-	-	-	-	-	1,500	-	-	-
A Police Magistrate	2,500	-	-	-	-	-	-	-	-
Registrar, inferior Courts, from 960 Sc. to 1,080 Sc.	120	-	-	-	-	-	-	-	-
Interpreter - ditto, from 420 Sc. to 480 Sc.	60	-	-	-	-	-	-	-	-
Porter - ditto, from 360 Sc. to 420 Sc.	960	-	-	-	-	-	-	-	-
A Registrar - ditto	600	-	-	-	-	-	-	-	-
A Clerk - ditto	600	-	-	-	-	-	-	-	-
2 Porters and Messengers - ditto, at 300 Sc. each	1,200	-	-	-	-	-	-	-	-
20 Police Serjeants, at 60 Sc. each	180	-	-	-	-	-	-	-	-
A Gaoler	-	-	-	-	-	600	-	-	-
Deputy Lieutenant of Floriana	-	-	-	-	-	312	-	-	-
Agio on Sterling Salaries	760	2	8	-	-	-	-	-	-
3 Overseers of the streets	-	-	-	-	-	-	-	-	-
A Guardian of the Court at Gozo	274	-	-	-	-	-	-	-	-
13.—UNIVERSITY OF VALLETTA.									
2 Foremen of Cotton Factory, at 360 Sc. each	720	-	-	-	-	-	-	-	-
A Clerk	-	-	-	-	-	1,369	8	8	-
Money Porter, from Sc. 365. 3. to 360 Sc.	-	-	-	-	-	5	3	-	-
A Clerk	1,320	-	-	-	-	-	-	-	-
14.—CHARITABLE INSTITUTIONS.									
First Clerk, from 1,080 Sc. to 1,320 Sc.	240	-	-	-	-	-	-	-	-
Matron of the "Ospizio"	-	-	-	-	-	180	-	-	-
5 Ward-keepers and servants, together	-	-	-	-	-	340	-	-	-
A Physician	-	-	-	-	-	1,440	-	-	-
An Assistant Surgeon in Gozo	413	-	-	-	-	-	-	-	-
17.—MISCELLANEOUS.									
Agio on Sterling Salaries.—[N. B. That of the London Agent paid in England since 1st April 1816.]	341	11	8	-	-	-	-	-	-
Scudi	26,068	11	18	-	-	19,339	11	7	-
						14,308	7	14	-
						7,579	7	3	-
						Net Increase in 1817		-	-
						Annual Rate on the 31st Dec. 1817		586,223	7 16
								6,729	- 11

SALARIES, MALTA.—THIRD RETURN—continued.

ALTERATIONS IN 1818.	INCREASE.	REDUCTION.	RESULT ON EACH BRANCH.		Annual Rate on the 31st Dec. 1817	Scudi, tari, grs. 586,223 7 16
			INCREASE.	REDUCTION.		
1.—PALACE ESTABLISHMENT.						
A Messenger	Scudi, tari, grs. 480 - - -	- - - - -	Scudi, tari, grs. 480 - - -	- - - - -	- - - - -	- - - - -
2.—CHIEF SECRETARY'S AND DEPENDENT OFFICES.						
A Compositor of the Press, from 480 Sc. to 180 Sc.	- - - - -	300 - - -	- - - - -	300 - - -	- - - - -	- - - - -
4.—AUDIT OF ACCOUNTS.						
Messenger, from 240 Sc. to 300 Sc.	60 - - -	- - - - -	60 - - -	- - - - -	- - - - -	- - - - -
6.—QUARANTINE.						
Registrar	- - - - -	4,000 - - -	- - - - -	- - - - -	- - - - -	- - - - -
Pratique Master ("Protomedico")	- - - - -	1,440 - - -	- - - - -	5,440 - - -	- - - - -	- - - - -
9.—LAND REVENUE AND PUBLIC WORKS.						
Clerk in charge of barrack repairs	1,500 - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
A Clerk	600 - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
Two Country Messengers, at 60 Sc. each	120 - - -	- - - - -	- - - - -	1,680 - - -	- - - - -	- - - - -
A Clerk in Gozo	- - - - -	540 - - -	- - - - -	- - - - -	- - - - -	- - - - -
11.—VENUE OFFICE.						
The Deputy's per centage on Sales amounted in 1817 to Sc. 791. 3. 19., made up to a minimum of 2,000 Sc.	1,208 8 1	- - - - -	- - - - -	1,808 8 1	- - - - -	- - - - -
A Clerk	600 - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
12.—TRIBUNALS, POLICE AND PRISONS.						
The Crown Advocate	- - - - -	6,990 3 12	- - - - -	- - - - -	- - - - -	- - - - -
Another Crown Advocate	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
His Assistant	3,000 - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
Police Secretary	1,440 - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
The Deputy Inspector General of Police	- - - - -	1,440 - - -	- - - - -	- - - - -	- - - - -	- - - - -
First Police Adjutant, from 720 Sc. to 1,440 Sc.	- - - - -	2,063 1 16	- - - - -	- - - - -	4,622 2 8	- - - - -
A Clerk, Police, from Sc. 608. 9. to 600 Sc.	720 - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
An Assistant Adjutant of Police	720 - - -	- 8 9	- - - - -	- - - - -	- - - - -	- - - - -
13.—UNIVERSITY OF VALLETTA.						
A Clerk	- - - - -	1,320 - - -	- - - - -	- - - - -	- - - - -	- - - - -
The Assistant, for special duties	- - - - -	5,648 1 4	- - - - -	- - - - -	- - - - -	- - - - -
Two Storekeepers, 780 Sc. and 600 Sc.	- - - - -	1,380 - - -	- - - - -	- - - - -	- - - - -	- - - - -
Keeper of the Cattle Receiptacle	- - - - -	360 - - -	- - - - -	- - - - -	9,428 1 4	- - - - -
The two Foremen of the Cotton Factory, blended with the concern, and lost sight of	- - - - -	720 - - -	- - - - -	- - - - -	- - - - -	- - - - -

A Member of the Permanent Committee - - - - -
 A Physician, from 1,800 Sc. to 1,440 Sc. - - - - -
 A Member of the Permanent Committee - - - - -

ALTERATIONS IN 1819.

2.—CHIEF SECRETARY'S AND DEPENDENT OFFICES.

Editing of the Gazette, from 1,200 Sc. to 2,000 Sc. - - - - -
 Superintendence of the Printing-office, consolidated with Editorship of the Gazette, from 3,400 Sc. to 3,000 Sc. - - - - -
 Reviser of the Press - - - - -
 Three Compositors, at 540 Sc. each - - - - -
 Eight Pressmen, from 540 Sc. to 420 Sc. each - - - - -
 A Pressman - - - - -
 Two Clerks, from 960 Sc. to 1,320 Sc. each - - - - -
 A Clerk, Post-office, from 180 Sc. to 480 Sc. - - - - -
 A Clerk, from 1,000 Sc. to 1,080 Sc. - - - - -
 A Messenger, from 360 Sc. to 420 Sc. - - - - -

3.—TREASURY.

Cashier, from 4,000 Sc. to 5,000 Sc. - - - - -
 Two Accountants, together, from 2,280 Sc. to 2,520 Sc. - - - - -
 Two Clerks, together, from 1,680 Sc. to 1,920 Sc. - - - - -
 Porter, from 360 Sc. to 420 Sc. - - - - -

4.—AUDIT OF ACCOUNTS.

Commissioner for investigating arrear Accounts, appointed to the Board of Supply, - - - - - Sc. 5,000
 Was afterwards allowed a remuneration for continuing that investigation, which is here summarily divided against the five years, 1819 to 1823, the time the business lasted, in the yearly proportion of - - - - -
 His Assistant - - - - - 2,400

5.—CUSTOMS.

Chief Clerk, from 2,160 Sc. to 2,500 Sc. - - - - -

7.—MARINE POLICE.

A Searcher, from 1,200 Sc. to 960 Sc. - - - - -
 Two Clerks, 720 Sc. and 450 Sc. - - - - -
 Four Boatmen, at 360 Sc. each - - - - -
 A Keeper of the Pulverist - - - - -
 Overseer of Pontoons, from Sc. 547. 10. 10. to 480 Sc. - - - - -
 Keeper of ditto, from Sc. 471. 9. 7. to 240 Sc. - - - - -
 A Coroner [Admiralty Jurisdiction] - - - - -

AND CUSTOMS AND EXCISE DUTIES, MALTA.

Net Reduction in 1818 - -	15,057 7 11
Annual Rate on the 31st Dec. 1818 - -	571,166 - 5

12,512 8 1	2,064 - -	27,570 3 12	4,732 8 1	19,790 3 12	Net Reduction in 1818 - -
800 - -	- -	- -	- -	- -	- -
- -	- -	200 - -	- -	- -	- -
- -	- -	360 - -	- -	- -	- -
- -	- -	1,620 - -	- -	- -	- -
- -	- -	960 - -	- -	1,600 - -	- -
- -	- -	420 - -	- -	- -	- -
720 - -	- -	- -	- -	- -	- -
300 - -	- -	- -	- -	- -	- -
80 - -	- -	- -	- -	- -	- -
60 - -	- -	- -	- -	- -	- -
1,000 - -	- -	- -	1,540 - -	- -	- -
240 - -	- -	- -	- -	- -	- -
240 - -	- -	- -	- -	4,600 - -	- -
60 - -	- -	- -	- -	- -	- -
- -	- -	2,600 - -	- -	- -	- -
- -	- -	2,000 - -	- -	- -	- -
340 - -	- -	- -	340 - -	- -	- -
- -	- -	- -	- -	- -	- -
- -	- -	240 - -	- -	- -	- -
- -	- -	1,170 - -	- -	- -	- -
- -	- -	1,440 - -	- -	- -	- -
- -	- -	360 - -	- -	- -	- -
- -	- -	67 10 10	- -	2,509 7 17	- -
- -	- -	231 9 7	- -	- -	- -
1,000 - -	- -	- -	- -	- -	- -

RETURNS RELATIVE TO COUNCIL OF GOVERNMENT

SALARIES, MALTA.—THIRD RETURN—continued.

ALTERATIONS IN 1819—continued.	RESULT ON EACH BRANCH.		REDUCTION.	RESULT ON EACH BRANCH.		Annual Rate on the 31st Dec. 1818	Scudi. tari. grs.
	INCREASE.	REDUCTION.		INCREASE.	REDUCTION.		
9.—LAND REVENUE AND PUBLIC WORKS.							
The Collector allowed half per cent. on collections, the average of which, during the seven years ending with 1825, is	Scudi. ta. grs.	Scudi. tari. grs.	Scudi. tari. grs.	Scudi. tari. grs.	Scudi. tari. grs.	Scudi. tari. grs.	Scudi. tari. grs.
A Clerk	1,777 10 8	-	-	-	-	571,166	- 5
A Clerk	600 - -	-	-	-	-	-	-
A Clerk	480 - -	-	-	-	-	-	-
Calesse allowance to the Deputy Collector	360 - -	-	-	-	-	-	-
A Clerk, from 600 Sc. to 960 Sc.	-	135 9 -	-	3,049 4 8	-	-	-
2 Overseers of Works, from Sc. 547. 10. to 480 Sc. each	-	30 - -	-	-	-	-	-
Porter of Stores, from 420 Sc. to 390 Sc.	-	90 - -	-	-	-	-	-
Carter, from 360 Sc. to 270 Sc.	-	212 9 -	-	-	-	-	-
6 Gardeners, together, from Sc. 1,628. 9. to 1,416 Sc.	120 - -	-	-	-	-	-	-
2 Country Messengers, at 60 Sc. each	180 - -	-	-	-	-	-	-
Clerk at Gozo, from 720 Sc. to 900 Sc.	-	-	-	-	-	-	-
10.—EXCISE ON WINE AND SPIRITS.							
Collector's contingent remuneration, averaging Sc. 1,214. 10. 4. made fixed at 1,800 Sc.	585 1 16	-	-	585 1 16	-	-	-
12.—TRIBUNALS, POLICE AND PRISONS.							
Assessor, with Calesse allowance	-	14,980 7 4	-	-	-	-	-
President, from 6,000 Sc. to £. 1,500, = Sc. 17,475. 8. 8.	11,475 8 8	-	-	-	-	-	-
First Police Magistrate, from 2,500 Sc. to 4,000 Sc.	1,500 - -	-	-	-	-	-	-
Allowed ditto for a Calesse	600 - -	-	-	-	-	-	-
Registrar of the Court of Piracy	1,000 - -	-	-	-	-	-	-
A Police Adjutant, from 720 Sc. to Sc. 1,200	480 - -	-	-	-	-	-	-
Sub-inspector of Police, 2d district	1,200 - -	-	-	-	-	-	-
2 Police Sergeants, at 60 Sc.	120 - -	-	-	-	-	-	-
A Constable	-	150 - -	-	-	-	-	-
Another, from 305 Sc. to 260 Sc.	-	45 - -	-	-	-	-	-
A Clerk, Executive Police	-	720 - -	-	-	-	-	-
A late Auditor of Signature, from 1,920 Sc. to 2,920 Sc.	1,000 - -	-	-	3,890 1 4	-	-	-
A Magistrate of Police	600 - -	1,500 - -	-	-	-	-	-
Another, from 1,500 Sc. to 2,100 Sc.	-	150 - -	-	-	-	-	-
A Gaoler	1,000 - -	-	-	-	-	-	-
2 Magistrates, from 1,000 Sc. to 1,500 Sc. each	1,000 - -	-	-	-	-	-	-
Another	1,500 - -	-	-	-	-	-	-
An Assistant Registrar in Gozo	300 - -	10 - -	-	-	-	-	-
A Registrar, from 730 Sc. to 720 Sc. (Gozo)	-	-	-	-	-	-	-
Another, from 650 Sc. to 720 Sc. - (ditto)	70 - -	-	-	-	-	-	-
A Crown Advocate, in Gozo	600 - -	-	-	-	-	-	-
13.—BOARD OF SUPPLY (succeeding University of VALLETTA.)							
2 Commissioners, at £. 500, = Sc. 5,648. 1. 4. each, and another at £. 300, equal to Sc. 3,388. 10. 4. instead of 4 jurats, together at Sc. 18,496. 3. 12.	-	3,811 3 -	-	-	-	-	-
Agio afterwards allowed on the Salaries of two of the Commissioners; namely, on £. 800	283 4 4	-	-	-	-	-	-

RETURNS RELATIVE TO COUNCIL OF GOVERNMENT

SALARIES, MALTA.—THIRD RETURN—continued.

ALTERATIONS IN 1820—continued.	INCREASE.		REDUCTION.	RESULT ON EACH BRANCH.		Annual Rate on the 31st Dec. 1817	Scudi. tari. grs.
	Scudi. tari. grs.	—		INCREASE.	REDUCTION.		
8.—PORT DUES.							
Clerk, from 540 Sc. to 600 Sc.	60	—	—	—	60	—	—
9.—LAND REVENUE AND PUBLIC WORKS.							
A Messenger	300	—	—	—	—	—	—
Collector in Gozo, for hire of Calesse and Boat	240	—	—	—	540	—	—
10.—EXCISE ON WINE AND SPIRITS.							
Clerk, from 600 Sc. to 720 Sc.	120	—	—	—	120	—	—
12.—TRIBUNALS, POLICE AND PRISONS.							
Deputy Crown Advocate	3,000	—	—	—	—	—	—
Assistant Crown Advocate	—	—	1,440	—	—	—	—
Crown Solicitor	—	—	1,000	—	—	—	—
President's Secretary	—	—	2,259	3	—	—	—
A Porter, superior Courts	300	—	—	—	—	—	—
A Clerk, inferior Courts	600	—	—	—	—	—	—
A Police Magistrate	1,440	—	—	—	—	—	—
3 Deputy Lieutenants of Towns, at 960 Sc. each	—	—	2,880	—	—	—	—
Sub-inspector, 2d District	—	—	1,200	—	—	—	—
A Gaoler, from 270 Sc. to 480 Sc.	210	—	—	—	—	—	—
A Turnkey, from 165 Sc. to 240 Sc.	75	—	—	—	—	—	—
An Under Gaoler	—	—	90	—	—	—	—
Principal Gaoler, Great Prison	720	—	—	—	—	—	—
2 Gaolers, together, from 624 Sc. to 792 Sc.	168	—	—	—	—	—	—
3 Turnkeys, at 240 Sc. each	720	—	—	—	—	—	—
Chaplain of Great Prison, from 198 Sc. to 312 Sc.	114	—	—	—	—	—	—
A Gaoler, from 180 Sc. to 240 Sc.	60	—	—	—	—	—	—
Clerk of the Great Prison, from 516 Sc. to 480 Sc.	—	—	36	—	—	—	—
Boy, of same Prison	—	—	60	—	—	—	—
A Clerk, for Alien Commission	480	—	—	—	—	—	—
A Deputy Adjutant of Police	600	—	—	—	—	—	—
3 Others, at 480 Sc. each	1,440	—	—	—	—	—	—
2 Serjeant-majors of Police, at 360 Sc. each	720	—	—	—	—	—	—
28 Police Sergeants, at 300 Sc. each, instead of 22 at 60 Sc. each	7,080	—	—	—	—	—	—
A Porter, inferior Courts	420	—	—	—	—	—	—
3 Police Clerks, together, from 1,740 Sc. to 1,980 Sc.	240	—	—	—	—	—	—
Adjutant's Lieutenant, from 600 Sc. to 960 Sc.	360	—	—	—	—	—	—
A Clerk, inferior Courts, from 420 Sc. to 480 Sc.	60	—	—	—	—	—	—
7 Constables, from 260 Sc. to 270 Sc. each	70	—	—	—	—	—	—
5 Others, together	—	—	875	—	—	—	—
2 Lieutenants of Head Constables, 300 Sc. and 150 Sc.	—	—	450	—	—	—	—
A Porter in Gozo	180	—	—	—	—	—	—
				8,766	9	—	—
						Annual Rate on the 31st Dec. 1817	Scudi. tari. grs.
						578,478	4 -

SALARIES, MALTA.—THIRD RETURN—continued.

ALTERATIONS IN 1821—continued.				RESULT ON EACH BRANCH.				
				INCREASE.	REDUCTION.	INCREASE.	REDUCTION.	
				Scudi. tari. grs.	Scudi. tari. grs.	Scudi. tari. grs.	Scudi. tari. grs.	Annual Rate on the 31st Dec. 1820
12.—TRIBUNALS, POLICE AND PRISONS.								
Deputy Crown Advocate, for a Clerk				500	-	-	-	680
A Judge, at 5,000 Sc., made Vice President at 6,000 Sc.				1,000	-	-	-	
A Police Magistrate, from 1,440 Sc. to 2,100 Sc.				660	-	-	-	
Registrar of the Court of Piracy				-	1,000	-	-	
Clerk, Alien Commission (after an increase of 120 Sc.)				-	480	-	-	
14.—CHARITABLE INSTITUTIONS.								
A Member of the Permanent Committee				-	2,064	-	-	2,064
Scudi				4,104	-	-	-	5,194
ALTERATIONS IN 1822.								
2.—CHIEF SECRETARY'S AND DEPENDENT OFFICES.								
Superintendence of Post-office, consolidated with the duties of an Assistant				-	-	-	-	3,645 6 12
2 Clerks, 1,500 Sc. and 1,320 Sc.				-	1,694 5 8	-	-	
4 Others, together from 4,080 Sc. to 5,040 Sc.				-	2,820	-	-	
Registrar of the Public Registry Office				960	-	-	-	
His Deputy				3,600	-	-	-	
2 Clerks, same office, at 600 Sc. each				2,160	-	-	-	
Messenger, same office				1,200	-	-	-	
				240	-	-	-	
4.—AUDIT OF ACCOUNTS.								
Auditor, from Sc. 3,191. 6. to £. 500, = Sc. 5,828. 2. 8.				2,633 8 8	-	-	-	2,633 8 8
5.—CUSTOMS.								
Comptroller				-	-	4,000	-	-
Chief Clerk, from 2,500 Sc. to 1,800 Sc.				-	-	700	-	4,700
6.—QUARANTINE.								
Allowed the Superintendent instead of forage				913 1 10	-	-	-	182 7 10
A Furnigator				-	-	730 6	-	-
7.—MARINE POLICE.								
A Coxswain				-	-	540	-	-
A Sergeant				480	-	-	-	60
9.—LAND REVENUE AND PUBLIC WORKS.								
A late Administrator, for special service				-	-	1,680	-	-
The Deputy Collector, allowed a quarter per cent. on collections, the average of which during the three years ended with 1824, is				885 3 11	-	-	-	625 2 15
The Collector in Gozo, allowed a like per centage, the average of which during the four years ended with 1825, is				879 11 4	-	-	-	
A Clerk in Gozo				360	-	-	-	
A Summoning Officer in Gozo				180	-	-	-	
Scudi				585,426	1	-	-	585,426 1

12.—TRIBUNALS, POLICE AND PRISONS.

[illegible]

SALARIES, MALTA.—THIRD RETURN—continued.

ALTERATIONS IN 1823.	INCREASE.		REDUCTION.		RESULT ON EACH BRANCH.		Annual Rate on the 31st Dec. 1822	Scudi. tari. grs.
	Scudi. tari. grs.		Scudi. tari. grs.		INCREASE.	REDUCTION.		
1.—PALACE ESTABLISHMENT.								
A Messenger, from 360 Sc. to 540 Sc.	180	-	-	-	180	-	-	-
2.—CHIEF SECRETARY'S AND DEPENDENT OFFICES.								
2 Clerks, Post-office, together, from 504 Sc. to 720 Sc.	216	-	-	-	-	-	-	-
A Clerk	1,500	-	-	-	-	-	-	-
Keeper of Office (and Palace) at 600 Sc., to Messenger at 300 Sc.	-	-	300	-	-	287	3	12
A Compositor, Printing-office	-	-	480	-	-	-	-	-
Public Registrar, from 3,600 Sc. to Sc. 2,976. 8. 8.	-	-	623	3	12	-	-	-
A Clerk, Public Registry-office	-	-	600	-	-	-	-	-
4.—AUDIT OF ACCOUNTS.								
A Clerk for Arrear Audit	-	-	1,200	-	-	1,200	-	-
6.—QUARANTINE.								
Assistant Fumigator	-	-	420	-	-	420	-	-
7.—MARINE POLICE.								
Keeper of the Pulverist, from 360 Sc. to 420 Sc.	60	-	-	-	-	-	-	-
A Searcher, from 960 Sc. to 600 Sc.	-	-	360	-	-	300	-	-
9.—LAND REVENUE AND PUBLIC WORKS.								
Assistant Collector, from 1,500 Sc. to 1,800 Sc.	300	-	-	-	300	-	-	-
11.—VENDUE OFFICE.								
Storekeeper	-	-	480	-	-	480	-	-
12.—TRIBUNALS, POLICE AND PRISONS.								
An Assistant Crown Advocate	1,500	-	-	-	-	-	-	-
A Secretary to the Supreme Council	1,000	-	-	-	-	-	-	-
2 late Auditors of the Signature, at 1,920 Sc. each (leaving with one of them an additional 1,000 Sc.)	-	-	3,840	-	-	-	-	-
Advocate for the Poor	-	-	150	-	-	-	-	-
Vice-President of the High Court of Appeal	-	-	6,000	-	-	-	-	-
2 Deputy Lieutenants, together from 840 Sc. to 1,080 Sc.	240	-	-	-	-	5,618	-	-
A Clerk, Executive Police	540	-	-	-	-	-	-	-
Principal Gaoler, from 720 Sc. to 960 Sc.	240	-	-	-	-	-	-	-
An Under Gaoler	312	-	-	-	-	-	-	-
A Guardian of the Port in Gozo	540	-	-	-	-	-	-	-

Scudi. tari. grs.
569,931 4 3

SALARIES, MALTA.—THIRD RETURN—continued.

ALTERATIONS IN 1824—continued.	INCREASE.		REDUCTION.	RESULT ON EACH BRANCH.		Annual Rate on the 31st Dec. 1823	Scudi. tari. grs.
	Scudi. tari. grs.	600		INCREASE.	REDUCTION.		
5.—CUSTOMS.							
A Clerk	Scudi. tari. grs.	600	-	Scudi. tari. grs.	600	-	
6.—QUARANTINE.							
A Clerk	-	-	480	-	-	480	-
7.—MARINE POLICE.							
A Clerk	-	-	900	-	-	300	-
Registrar, from 960 Sc. to 1,200 Sc.	-	240	-	-	-	-	-
Adjutant and Searcher, from 1,200 Sc. to 1,560 Sc.	-	360	-	-	-	-	-
9.—LAND REVENUE AND PUBLIC WORKS.							
Head Superintendent of Artificers, from 2,000 Sc. to 1,300 Sc.	-	-	700	-	-	500	-
2 Assistant Superintendents, from 900 Sc. to 1,000 Sc. each	-	200	-	-	-	-	-
12.—TRIBUNALS, POLICE AND PRISONS.							
An Assessor	£. 800	9,320	4	-	21,000	4	4
A Secretary, from 1,000 Sc. to 1,500 Sc.	-	500	-	-	-	-	-
A Police Magistrate, from 2,500 Sc. to 3,000 Sc.	-	500	-	-	-	-	-
8 Police Sergeants, at 300 Sc. each	-	2,400	-	-	-	-	-
4 Constables, at 120 Sc. each	-	480	-	-	-	-	-
14 Others, from 60 Sc. to 120 Sc. each	-	840	-	-	-	-	-
114 Men of Night Patrol, at 60 Sc. each	-	6,840	-	-	-	-	-
A Porter, superior Courts, from 300 Sc. to 360 Sc.	-	60	-	-	-	-	-
A Clerk at Gozo, from 540 Sc. to 600 Sc.	-	60	-	-	-	-	-
13.—GRAIN DEPARTMENT.							
A Member of Assize Committees	-	1,000	-	-	-	-	-
The same struck off the Pay List, but at a later period received a remuneration of 780 Sc., which averaged for 26 months at 360 Sc. a year	-	-	640	-	2,400	-	-
First Clerk, from 1,800 Sc. to 1,920 Sc.	-	120	-	-	-	-	-
An Assistant Superintendent	-	3,000	-	-	-	-	-
A Clerk	-	-	1,080	-	-	-	-
14.—CHARITABLE INSTITUTIONS.							
First Clerk, from 1,560 Sc. to 1,800 Sc.	-	240	-	-	-	-	-
2 Clerks, each from 600 Sc. to 840 Sc.	-	480	-	-	-	-	-
An Assistant Surgeon	-	360	-	-	120	-	-
A Clerk	-	-	960	-	-	-	-

										5494 7 4		567,516 7 15	
										Net Increase in 1824 - -		Annual Rate on the 31st Dec. 1824 - -	
16.—PUBLIC LIBRARY.													
Librarian, from 600 Sc. to 1,440 Sc.	-	-	-	-	-	-	-	-	-	1,560 - -			
An Assistant Librarian	-	-	-	-	-	-	-	-	-				
17.—MISCELLANEOUS.													
Consul-General in Albania	-	-	-	-	-	-	-	-	5,825 3 -	4,825 3 -			
Allowed the Commanding Engineer for Calesse to inspect the public works	-	-	-	-	-	-	-	-	-				
<i>Scudi</i>													
ALTERATIONS IN 1825.													
1.—PALACE ESTABLISHMENT.													
Increased Agio on Sterling Salaries	-	-	-	-	-	-	-	-	-	573 10 6			
A Messenger	-	-	-	-	-	-	-	-	-				
2.—CHIEF SECRETARY'S AND DEPENDENT OFFICES.													
Increased Agio on Sterling Salary	-	-	-	-	-	-	-	-	-	804 3 12			
A Clerk, from 300 Sc. to 1,080 Sc.	-	-	-	-	-	-	-	-	-				
3.—TREASURY.													
Increased Agio on Sterling Salary	-	-	-	-	-	-	-	-	-	16 2 8			
4.—AUDIT OF ACCOUNTS.													
Increased Agio on Sterling Salary	-	-	-	-	-	-	-	-	-	8 1 4		1,071 10 16	
Clerk, for arrears	-	-	-	-	-	-	-	-	1,080 - -				
6.—QUARANTINE.													
Increased Agio on Sterling Salary	-	-	-	-	-	-	-	-	-	12 10 16			
9.—LAND REVENUE AND PUBLIC WORKS.													
Increased Agio on Sterling Salary	-	-	-	-	-	-	-	-	-	8 - 12			
Deputy Collector, with allowances, Sc. 4415. 3. 11., become Director of Works at (£. 500) Sc. 5,833. 3. 12.	-	-	-	-	-	-	-	-	-	1,418 - 1			
An Office Messenger, from 300 Sc. to 360 Sc.	-	-	-	-	-	-	-	-	-	60 -			
A summoning Messenger	-	-	-	-	-	-	-	-	-	180 -		1,276 - 13	
4 Country Messengers at 60 Sc. each, to 3 at 90 Sc. each	-	-	-	-	-	-	-	-	-	30 -			
An Overseer of Works, from 420 Sc. to 480 Sc.	-	-	-	-	-	-	-	-	-	60 -			
A Painter	-	-	-	-	-	-	-	-	-	420 -			
A Master Millwright	-	-	-	-	-	-	-	-	900 -				
12.—TRIBUNALS, POLICE AND PRISONS.													
Increased Agio on Sterling Salaries	-	-	-	-	-	-	-	-	-	37 3 -			
A Police Serjeant	-	-	-	-	-	-	-	-	-	300 -			
A Judge	-	-	-	-	-	-	-	-	-	5,000 -			
The supplement to the allowance of a late Auditor of the Signature, noticed in the Alterations of 1823	-	-	-	-	-	-	-	-	-	1,000 -		5,237 3 -	
A Gaoler	-	-	-	-	-	-	-	-	-	360 -			
A Turnkey	-	-	-	-	-	-	-	-	-	240 -			
An Assistant Registrar in Gozo	-	-	-	-	-	-	-	-	-	300 -			

SALARIES, MALTA.—THIRD RETURN—continued.

ALTERATIONS IN 1824—continued.		RESULTS ON EACH BRANCH.				Annual Rate on the 31st Dec. 1824	Annual Rate on the 31st Dec. 1825	Net Increase in 1825	Scudi
		INCREASE.		REDUCTION.					
		Scudi.	tari.	grs.	Scudi.	tari.	grs.		
13.—GRAIN DEPARTMENT.									
Increased Agio on Sterling Salary	-	8	1	4				Annual Rate on the 31st Dec. 1824	Scudi. tari. grs. 567,516 7 15
2 Clerks, 900 Sc. and 600 Sc.	-	1,500	-	-					
A Money Porter	-	240	-	-					
14.—CHARITABLE INSTITUTIONS.									
2 Labourers, at 360 Sc. each	-	720	-	-				Net Increase in 1825	Scudi
An Assistant Surgeon, from 432 Sc. to 552 Sc., for also lecturing on Midwifery	-	120	-	-					
Lecturer on Midwifery	-	-	-	-	420	-	-		
17.—MISCELLANEOUS.									
Increased Agio on Sterling Salaries	-	15	7	4					
	-	12,432	4	7	3,400	-	-		
	Scudi				10,104	3	3	1,071	10 16
		Annual Rate on the 31st December 1825							
</									

Equal, at 4s. 3½d. the Current Dollar of 2½ *Scudi*, to - - - £. 49,487. 2. 5. Sterling.

Postscript.—This Return having been closed before the Fourth was commenced, it has been since ascertained that some Arrears to the 31st December 1825 were subsequently defrayed, and that consequently the following Alterations, stated in 1826, belong to 1825.

INCREASE on No. 12, Tribunals, &c.—2 Turnkeys, at 240 Sc. each (12 to the Pound), 480 Sc.

DECREASE on No. 17, Miscellaneous,—Agent in London, from £. 600 to £. 500, = £. 100 (at 4s. 6d. the Spanish Dollar, of Sc. 2. 7. 10.) equal to Sc. 1,166. 8.

This is set right in the Comparative View (Sixth Return); the only place where (this explanation made) the error could be material, and where the Total for 1825 will be found £. 49,429, instead of £. 49,487.

From the commencement of 1826, Accounts have been kept in Sterling, and Salaries defrayed at the rate of 12 *Scudi* to the Pound. The Salaries and other Emoluments were carried forward to that year, by different rules, as follows:

Sc. 167,594	4 4	Value of sterling Salaries, transferred at their sterling rate, namely - - - - -	£. 14,365	5 -
369,151	7 16	Amount of established current Salaries, transferred at the rate of 4 s. 3½d. the current Dollar - - - - -	31,085	10 4
39,803	- 2	Amount of contingent Salaries and Emoluments, transferred at the rate of 12 <i>Scudi</i> to the Pound - - - - -	3,316	18 4
<i>Sc. 576,549 - 2.</i>			£. 49,367	13 8
			Carried to the Fourth Return.	

Malta,
29 December 1835.

W^m H^y Thornton,
Auditor General.

SALARIES, MALTA.—FOURTH RETURN.

A RETURN (continued from the Third Return), showing the ALTERATIONS taken place from the 1st January 1826 to the 31st December 1834, in the ANNUAL RATE and AMOUNT of SALARIES, and other PECUNIARY ALLOWANCES derived from GOVERNMENT by Persons holding Situations in or under the CIVIL GOVERNMENT of *Malla*, exhibiting the Proportion for each Year.

Notes.—1. Temporary vacancies are not noticed. 2. Alterations in the denomination of official appointments are likewise passed over, where the amount of emolument has undergone no change. 3. Where an alteration is stated to be from one sum to another, it is to be understood that the situation continues; but where a single sum is expressed against an appointment, that a place has been created or suppressed, accordingly as the Increase or Reduction may denote.

ALTERATIONS IN 1826.					
	INCREASE.	REDUCTION.	RESULT ON EACH BRANCH.		£. s. d.
			INCREASE.	REDUCTION.	
1.—PALACE ESTABLISHMENT.					
Fractional differences on reducing the rates from the Maltese currency	- - -	- - -			
An Aide-de-Camp to the Governor	197 16 6	- 10 1	197 6 5		
2.—CHIEF SECRETARY'S AND DEPENDENT OFFICES.					
Fractional differences on the rates	- - -	- - -			
Two Clerks, £. 150 and £. 120	270 - -	3 19 8			
Another, from £. 40 to £. 72	32 - -	- - -	268 - 4		
Another, from £. 80 to £. 50	- - -	30 - -			
3.—TREASURY.					
Fractional differences on the rates	- - -	1 1 -	- - -	1 1 -	
4.—AUDIT OF ACCOUNTS.					
Fractional differences on the rates	- - -	- 8 -	- - -	- 8 -	
5.—CUSTOMS.					
Fractional differences on the rates	- - -	1 6 4	15 7 -		
Remuneration for extra service	16 13 4	- - -			
6.—QUARANTINE.					
Fractional differences on the rates	- - -	1 7 7	98 12 5		
Secretary to the Board of Health	100 - -	- - -			
7.—MARINE POLICE.					
Fractional differences on the rates	- - -	1 17 8	- - -	1 17 8	
8.—PORT DUES.					
Fractional differences on the rates	- - -	- 6 -	- - -	- 6 -	
9.—LAND REVENUE AND PUBLIC WORKS.					
Fractional differences on the rates	- - -	2 6 2			
Collector's per centage, averaged £. 129, 18. 6. until 31 July 1827, when it ceased, instead of £. 148. 3. 1., to 31st December 1825	- - -	18 4 7			
Assistant Collector, from £. 154. 6. to £. 200.	45 14 -	- - -	115 18 2		
Gozo Collector's per centage averaged £. 64. 1. 6. for the nine years of this Return, instead of £. 73. 6. 7., to 31st December 1825	- - -	9 5 1			
A Cabinetmaker	100 - -	- - -			
					Annual Sterling Rate on the 31st December 1825, brought forward from the Third Return -
					£. s. d. 49,367 13 8

SALARIES, MALTA.—FOURTH RETURN—continued.

ALTERATIONS IN 1826—continued.									
10.—EXCISE ON WINE AND SPIRITS.									
Fractional differences on the rates	-	-	-	-	-	-	-	-	-
11.—VENDUE OFFICE.									
Fractional differences on the rates	-	-	-	-	-	-	-	-	-
12.—TRIBUNALS, POLICE AND PRISONS.									
Fractional differences on the rates	-	-	-	-	10	16	6	-	-
A Clerk to Adjutant for the Three Cities	40	-	-	-	-	-	-	94	3
A Police Serjeant	25	-	-	-	-	-	-	6	-
2 Turnkeys, at £. 20 each *	40	-	-	-	-	-	-	-	-
13.—GRAIN DEPARTMENT.									
Fractional differences on the rates	-	-	-	-	1	11	5	-	-
The Government Agent and Broker's emoluments, amounting to £. 699. 5. 4. on the average, commuted for a fixed salary of £. 600	-	-	-	-	99	5	4	-	150
A Clerk	-	-	-	-	50	-	-	-	16
Fractional differences on the rates	-	-	-	-	-	10	-	-	9
13 (A).—MARKETS.									
14.—CHARITABLE INSTITUTIONS.									
Fractional differences on the rates	-	-	-	-	2	2	8	-	-
Instead of the sum of £. 107. 10., estimated for the salaries of the Gozo Hospital during the previous ten years, that of £. 169. 4. is taken, which was the amount ascertained in the year 1830, when the accounts of that institution were about to be incorporated with those of the Government	61	14	-	-	-	-	-	59	11
15.—UNIVERSITY OF LITERATURE.									
Fractional differences on the rates	-	-	-	-	-	-	-	-	4
16.—PUBLIC LIBRARY.									
Fractional differences on the rates	-	-	-	-	-	4	-	-	-
17.—MISCELLANEOUS.									
Fractional difference on a rate	-	-	-	-	-	-	-	-	-
Agent in London, from £. 600 to £. 500 †	-	-	-	-	100	-	-	265	5
Permanent Allowance to the General Officer, contingently liable to become Lieutenant-Governor	365	5	-	-	-	-	-	4	-
£.	1,294	3	2	335	12	10	1,114	4	6
				Net Increase in 1826				958 10 4	
				Annual Rate on the 31st Dec. 1826				50,326 4 -	

ALTERATIONS IN 1826—continued.

10.—EXCISE ON WINE AND SPIRITS.

Fractional differences on the rates

11.—VENDUE OFFICE.

Fractional differences on the rates

12.—TRIBUNALS, POLICE AND PRISONS.

Fractional differences on the rates

A Clerk to Adjutant for the Three Cities

A Police Sergeant

2 Turnkeys, at £. 20 each *

13.—GRAIN DEPARTMENT.

Fractional differences on the rates

The Government Agent and Broker's emoluments, amounting to £. 699. 5. 4. on the average, commuted for a fixed salary of £. 600

A Clerk

13 (A).—MARKETS.

Fractional differences on the rates

14.—CHARITABLE INSTITUTIONS.

Fractional differences on the rates
Instead of the sum of £. 107. 10., estimated for the salaries of the Gozo Hospital during the previous ten years, that of £. 169. 4. is taken, which was the amount ascertained in the year 1830, when the accounts of that institution were about to be incorporated with those of the Government

15.—UNIVERSITY OF LITERATURE.

Fractional differences on the rates

16.—PUBLIC LIBRARY.

Fractional differences on the rates

17.—MISCELLANEOUS.

Fractional difference on a rate

Agent in London, from £. 600 to £. 500 †
Permanent Allowance to the General Officer, contingently liable to become Lieutenant-Governor

£.

* This alteration dates from a period of 1825. See Postscript to Third Return.

ALTERATIONS IN 1828—continued.

2.--CHIEF SECRETARY'S AND DEPENDENT OFFICES.

The Establishment for the Public Registry Branch

A Clerk " - - - - -

5.—CUSTOMS.

First Clerk

A Clerk -

6.—QUARANTINE.

A Keeper of the Barrier

Head Keeper of the Coradino Barrier

A Clerk, from £.61. 15. to £.67. 15.

7.—MARINE POLICE.

5 Boatmen and Messengers, at £. 30, 18, each

A Keeper of Pontoons - - - -

A Person attached to the Assistant Intendant

Intendant from £. 428. 12. to £. 350. after an intermediate arrangement

First Assistant, from £. 185. 3. to £. 200.

9.—LAND REVENUE AND PUBLIC WORKS.

A Clerk -

Result of minor arrangements

11

[illegible]

9780190090701

12.—TRIBUNALS, POLICE AND PRISONS.

The Assessor

The Chief Justice, having acted as legal adviser during the following 4½ years:

received afterwards a remuneration of £. 450, which averages annually

A Constable

A Physician to the Prisoners at Senglea

13.—GRAIN DEPARTMENT.

[illegible]

17.---MISCELLANEOUS.

Casse Allowance to the Commanding Engineer

ALTERATIONS IN 1828—continued.														
2.—CHIEF SECRETARY'S AND DEPENDENT OFFICES.														
The Establishment for the Public Registry Branch														
A Clerk	-	-	-	-	-	-	-	-	-	-	-			
5.—CUSTOMS.														
First Clerk	-	-	-	-	-	-	-	-	-	-	-			
A Clerk	-	-	-	-	-	-	-	-	-	-	-			
6.—QUARANTINE.														
A Keeper of the Barrier	-	-	-	-	-	-	-	-	-	-	-			
Head Keeper of the Coradino Barrier	-	-	-	-	-	-	-	-	-	-	-			
A Clerk, from £. 51. 15. to £. 67. 15.	-	-	-	-	-	-	-	-	-	-	-			
7.—MARINE POLICE.														
6 Boatmen and Messengers, at £. 30. 18. each	-	-	-	-	-	-	-	-	-	-	-			
A Keeper of pontoons	-	-	-	-	-	-	-	-	-	-	-			
A Person attached to the Assistant Intendant	-	-	-	-	-	-	-	-	-	-	-			
Intendant from £. 428. 12. to £. 350. after an intermediate arrangement	-	-	-	-	-	-	-	-	-	-	-			
First Assistant, from £. 185. 3. to £. 200.	-	-	-	-	-	-	-	-	-	-	-			
9.—LAND REVENUE AND PUBLIC WORKS.														
A Clerk	-	-	-	-	-	-	-	-	-	-	-			
Result of minor arrangements	-	-	-	-	-	-	-	-	-	-	-			
11.—VENDUE OFFICE.														
Result of an arrangement	-	-	-	-	-	-	-	-	-	-	-			
12.—TRIBUNALS, POLICE AND PRISONS.														
The Assessor	-	-	-	-	-	-	-	-	-	-	-			
The Chief Justice, having acted as legal adviser during the following 4½ years, received afterwards a remuneration of £. 450, which averages annually														
A Constable	-	-	-	-	-	-	-	-	-	-	-			
A Physician to the Prisoners at Senglea	-	-	-	-	-	-	-	-	-	-	-			
13.—GRAIN DEPARTMENT.														
Result of an arrangement	-	-	-	-	-	-	-	-	-	-	-			
17.—MISCELLANEOUS.														
Calesse Allowance to the Commanding Engineer	-	-	-	-	-	-	-	-	-	-	-			
£.	433	-	8	2,081	10	6	213	7	8	1,861	17	6		
										Net Reduction in 1828	-	1,048	9	10
										Annual Rate on the 31st Dec. 1828	-	45,693	10	11

RETURNS RELATIVE TO COUNCIL OF GOVERNMENT

SALARIES, MALTA.—FOURTH RETURN—continued.

	INCREASE.	REDUCTION.	RESULT ON EACH BRANCH.			
			INCREASE.	REDUCTION.		
ALTERATIONS IN 1830—continued.						
13 (A).—MARKETS.						
Clerk in Gozo, from £.20. 12. to £.30. 1. - - - - -	£. s. d. 9 9 -	£. s. d. - - -	£. s. d. 9 9 -	£. s. d. - - -	Annual Rate on the 31st Dec. 1829 - - -	£. s. d. 45,879 10 -
A general alteration in the Establishment, from which there resulted a saving of	- - -	275 6 -	- - -	275 6 -		
14.—CHARITABLE INSTITUTIONS.						
17.—MISCELLANEOUS.						
Commanding Engineer, from £.365. 5. to £.182. 12. 6.	- - -	182 12 6	- - -	131 12 6		
Remuneration for assistance in the investigation of Blockade Claims, averaged on five years, from 1st Jan. 1830 - - - - -	51 - - -	- - -	- - -	- - -		
£.	332 11 -	778 12 10	117 13 -	563 14 10	Net Reduction in 1830 - - -	446 1 10
ALTERATIONS IN 1831.						
1.—PALACE ESTABLISHMENT.						
A Signal Man at St. Antonio - - - - -	- - -	10 6 -	- - -	10 6 -	Annual Rate on the 31st Dec. 1830 - - -	45,433 8 2
2.—CHIEF SECRETARY'S AND DEPENDENT OFFICES.						
A Clerk, from £.40. 12. to £.20. 12. - - - - -	- - -	20 - - -	- - -	20 - - -		
5.—CUSTOMS.						
Remuneration for extra service, from £.16. 13. 4. to £.36. 13. 4. - - -	20 - - -	- - -	- - -	8 12 -		
Collector, from £.428. 12. to £.400. - - - - -	- - -	28 12 -	- - -	- - -		
10.—EXCISE ON WINE AND SPIRITS.						
Extra remuneration not continued - - - - -	- - -	78 4 -	- - -	78 4 -		
12.—TRIBUNALS, POLICE AND PRISONS.						
A Clerk, Collector's Office - - - - -	- - -	50 - - -	- - -	63 3 -		
Matron over Female Convicts - - - - -	10 - - -	- - -	- - -	- - -		
A Constable - - - - -	- - -	23 3 -	- - -	- - -		
14.—CHARITABLE INSTITUTIONS.						
Purveyor, from £.176. 19. to £.201. 19. - - -	25 - - -	- - -	14 19 -	- - -		
Result of a new arrangement - - - - -	- - -	10 1 -	- - -	- - -		
17.—MISCELLANEOUS.						
2 Secretaries of Code Commission, their remuneration averaging for one about £.150., and the other about £.133.	283 - - -	- - -	- - -	- - -	Net Reduction in 1831 - - -	14 18 6
A Clerk to same Commission - - - - -	50 - - -	- - -	150 7 6	- - -	Annual Rate on the 31st Dec. 1831 - - -	45,418 9 8
Commanding Engineer - - - - -	- - -	182 12 6	- - -	- - -		
£.	388 - - -	402 18 6	165 6 6	180 5 -		

ALTERATIONS IN 1832.

1.—PALACE ESTABLISHMENT.

Lieutenant Governor, from £. 4,000. to £. 5,000. - - - - - 1,000 - - -
 His Allowance for Coach and Calesse - - - - - - - - - - - - - - - - - - -
 Private Secretary -

2.—CHIEF SECRETARY'S AND DEPENDENT OFFICES.

The Third Assistant -
 Chief Secretary's Calesse Allowance - - - - - - - - - - - - - - - - - - -
 A Clerk, from £. 20. 12. to £. 40. 12. - - - - - 20 - - - - -

3.—TREASURY.

Treasurer's Calesse Allowance -

5.—CUSTOMS.

Remuneration for Extra Service, from £. 36. 13. 4. to £. 50. - - - - - 13 6 8
 A Messenger, branch of Port Dues - - - - - - - - - - - - - - - - - - - 25 15 -

6.—QUARANTINE.

Superintendent's Allowance for Forage - - - - - - - - - - - - - - - - - -
 Guardian of the second class -
 Captain of the Port, from £. 205. 15. to £. 200. - - - - - - - - - - - - -
 Captain of the Lazaretto, from £. 216. to £. 200. - - - - - - - - - - - - -

7.—MARINE POLICE.

Keeper of Lighthouse, from £. 13. 15. to £. 36. - - - - - - - - - - - 22 5 -
 4 Boatmen, at £. 30. 18. each -

8.—PORT DUES.

The whole Establishment - 282 19 -

9.—LAND REVENUE AND PUBLIC WORKS.

Assistant Director of Works, from £. 128. 12. to £. 100. - - - - - - - - - - 28 12 -
 Result of minor arrangements - 17 17 -

10.—EXCISE ON WINE AND SPIRITS.

Collector, from £. 154. 6. to £. 200. - - - - - - - - - - - - - - - - - - - 45 14 -

12.—TRIBUNALS, POLICE AND PRISONS.

A Magistrate of Executive Police, at £. 350., instead of the Deputy Inspector General at £. 260. 4. (including Calesse Allowance) - - - - - 89 16 -
 Calesse Allowance of First Judicial Magistrate - - - - - - - - - - - 50 - - -
 An Attorney General - 800 - - -
 Minor Reductions in Salaries of Police Sergeants and Constables - - - - - 3 14 -
 Collector's Clerk, from £. 82. 6. to £. 70. - - - - - 12 6 -
 The Allowance to the Chief Justice, referred to in the Alterations for 1828 - - - 100 - - -

479

14.—CHARITABLE INSTITUTIONS.									
Result of a new Arrangement	-	-	-	1	-	-	-	-	-
3 Nurses, at £. 10. each	-	-	-	30	-	-	-	-	-
A Surgeon, from £. 150. to £. 174. 5.	24	5	-	-	-	54	4	-	-
To the Purveyor, for extra duty	30	-	-	-	-	-	-	-	-
Porter of the Dispensary, from £. 15. to £. 20.	5	-	-	-	-	-	-	-	-
A Gravedigger	25	-	-	-	-	-	-	-	-
15.—UNIVERSITY OF LITERATURE.									
7 Professors, at £. 25. each	175	-	-	-	-	235	-	-	-
A Teacher of the English Language	60	-	-	-	-	-	-	-	-
17.—MISCELLANEOUS.									
Agent in London, from £. 500. to £. 250.	-	-	-	250	-	-	-	-	-
£.	552	-	-	1,083	-	468	1	-	-
ALTERATIONS IN 1834.									
2.—CHIEF SECRETARY'S AND DEPENDENT OFFICES.									
2 Clerks, Post Office, together from £. 149. 4. to £. 80.	-	-	-	69	4	-	-	-	-
5.—CUSTOMS.									
A Clerk, from £. 92. 12. to £. 100.	7	8	-	-	-	7	8	-	-
6.—QUARANTINE.									
Secretary, Board of Health, from £. 47. 2. to £. 41. 13. 4.	-	-	-	5	8	8	-	-	-
7.—MARINE POLICE.									
An Assistant	-	-	-	154	6	-	-	-	-
Another, from £. 154. 6. to £. 150.	-	-	-	4	6	-	-	-	-
10.—EXCISE ON WINE AND SPIRITS.									
A Gauger	-	-	-	61	15	-	-	-	-
Clerk, from £. 61. 15. to £. 81. 15.	20	-	-	-	-	-	-	-	-
12.—TRIBUNALS, POLICE AND PRISONS.									
A Police Serjeant, from £. 25. 15. to £. 25.	-	-	-	-	15	-	-	-	-
15.—UNIVERSITY OF LITERATURE.									
A new general arrangement of the Institution, by which the increase is from £. 828. 10. to £. 1,010.	181	10	-	-	-	181	10	-	-
17.—MISCELLANEOUS.									
2 Secretaries of the Code Commission, settled at £. 150. each; difference from the estimated rate of £. 283. for both	17	-	-	-	-	319	9	-	-
3 Members of the said Commission, together	302	9	-	-	-	-	-	-	-
£.	528	7	-	295	14	8	508	7	-
Annual Rate on 31st December 1834									
(the distribution of which is shown in the Fifth of these Returns.)									
Annual Rate on 31st Dec.									
1833									
Net Reduction in 1833									
Annual Rate on the 31st Dec. 1833									
Net Increase in 1834									
£.									
44,762 6 6									
232 12 4									
44,994 18 10									

Wm Hy Thornton,
Auditor General.

Malta,
29 December 1835.

[With reference to the accompanying Explanatory Statement.]

Note.—In the first four of these Returns, extra Appointments have not been distinguished from the established Situations, many of the former having in the interval become fixed, while some Salaries have been removed from the establishment and continued as extra; but in the present Return, wherein the state at the termination of the required period is shown, the distinction of the extra Emoluments will be found.

		31st December 1834.
		ANNUAL RATE.
1.—PALACE ESTABLISHMENT.		
	£. s. d.	
Lieutenant-Governor	5,000	— —
Chaplain	300	— —
Clerk to Chaplain	16	15 —
Keeper of the Apartments and Messenger	51	9 —
Lamplighter	38	12 —
A Messenger	46	6 —
Another	41	3 —
Two Pilots of the Signal Tower, at 46 <i>l.</i> 6 <i>s.</i> each	92	12 —
	5,586	17 —
2.—CHIEF SECRETARY'S AND DEPENDENT OFFICES.		
Chief Secretary to Government	1,500	— —
First Assistant	428	12 —
Second Assistant	285	14 —
A Clerk	169	15 —
Another	125	— —
Another	113	3 —
Another	102	18 —
Another	92	12 —
Another	90	15 —
Another	82	6 —
Another, 40 <i>l.</i> 12 <i>s.</i> , of which fixed	20	12 —
Two Messengers, 41 <i>l.</i> 3 <i>s.</i> , and 36 <i>l.</i>	77	3 —
Three others, at 25 <i>l.</i> 15 <i>s.</i> each	77	5 —
Post-office { Superintendent	257	3 —
Post-office { Clerk	55	— —
Post-office { Another	25	— —
Post-office { Messenger	25	15 —
Printing-office { Superintendent and Editor	257	3 —
Printing-office { Overseer	69	— —
Printing-office and Govt Gazette. { Three Compositors, at 46 <i>l.</i> 6 <i>s.</i> each	138	18 —
Printing-office and Govt Gazette. { Two others, at 39 <i>l.</i> and 30 <i>l.</i>	69	— —
Printing-office and Govt Gazette. { Six Pressmen, at 36 <i>l.</i> each	216	— —
Printing-office and Govt Gazette. { Distributor of the Gazette	25	15 —
Extra.—The junior Clerk, made up to 40 <i>l.</i> 12 <i>s.</i>	4304	9 —
Clerk to Commissioners for Notarial Acts	20	— —
	30	— —
	4,354	9 —
3.—TREASURY.		
Treasurer	900	— —
Cashier	428	12 —
First Accountant	128	— —
Second Accountant	110	— —
A Clerk	90	— —
Another	52	— —
Messenger	36	— —
Office-keeper	26	— —
	1,770	12 —
4.—AUDIT OF ACCOUNTS.		
Auditor-General	500	— —
A Clerk	120	— —
Another	110	— —
Another	75	— —
Messenger	25	— —
	830	— —

SALARIES, MALTA.—FIFTH RETURN—continued.

										31st December 1834. ANNUAL RATE.
5.—CUSTOMS.										£. s. d.
Collector	-	-	-	-	-	-	-	-	-	400 - -
First Clerk	-	-	-	-	-	-	-	-	-	100 - -
2 Clerks, at 92 <i>l.</i> 12 <i>s.</i> each	-	-	-	-	-	-	-	-	-	185 4 -
2 Others, at 61 <i>l.</i> 15 <i>s.</i>	-	-	-	-	-	-	-	-	-	123 10 -
2 Others, at 41 <i>l.</i> 3 <i>s.</i>	-	-	-	-	-	-	-	-	-	82 6 -
An Office Porter	-	-	-	-	-	-	-	-	-	25 15 -
2 Messengers, at 36 <i>l.</i> and 25 <i>l.</i> 15 <i>s.</i>	-	-	-	-	-	-	-	-	-	61 15 -
Head Weigher	-	-	-	-	-	-	-	-	-	30 18 -
7 Weighers, at 15 <i>l.</i> 9 <i>s.</i> each	-	-	-	-	-	-	-	-	-	108 3 -
6.—QUARANTINE.										1,117 11 -
Superintendent	-	-	-	-	-	-	-	-	-	800 - -
First Clerk	-	-	-	-	-	-	-	-	-	102 18 -
A Clerk	-	-	-	-	-	-	-	-	-	77 3 -
2 Others, at 67 <i>l.</i> 15 <i>s.</i> and 61 <i>l.</i> 15 <i>s.</i>	-	-	-	-	-	-	-	-	-	129 10 -
Captain of the Port	-	-	-	-	-	-	-	-	-	200 - -
Captain of the Lazaretto	-	-	-	-	-	-	-	-	-	200 - -
Clerk of the Lazaretto	-	-	-	-	-	-	-	-	-	61 15 -
Director of the Barrier	-	-	-	-	-	-	-	-	-	51 9 -
Head Keeper of the Coradino Barrier	-	-	-	-	-	-	-	-	-	50 - -
Fumigator	-	-	-	-	-	-	-	-	-	51 9 -
Messenger	-	-	-	-	-	-	-	-	-	36 - -
Guardian of the First Class	-	-	-	-	-	-	-	-	-	51 11 -
Keeper of the Lazaretto Parlatory	-	-	-	-	-	-	-	-	-	31 18 -
3 Senior Keepers of the Barrier, at 36 <i>l.</i> each	-	-	-	-	-	-	-	-	-	108 - -
9 Keepers of the Barrier, at 30 <i>l.</i> 18 <i>s.</i>	-	-	-	-	-	-	-	-	-	278 2 -
17 Boatmen, at 32 <i>l.</i> 19 <i>s.</i>	-	-	-	-	-	-	-	-	-	560 3 -
Extra.—Allowed the First Clerk, for acting as Secretary to the Board of Health										2,789 18 -
										41 13 4
7.—MARINE POLICE.										2,831 11 4
Intendant and Magistrate	-	-	-	-	-	-	-	-	-	350 - -
First Assistant	-	-	-	-	-	-	-	-	-	200 - -
Second Assistant	-	-	-	-	-	-	-	-	-	150 - -
Adjutant and Searcher	-	-	-	-	-	-	-	-	-	133 15 -
Clerk	-	-	-	-	-	-	-	-	-	92 12 -
3 Serjeants, at 41 <i>l.</i> 3 <i>s.</i> each	-	-	-	-	-	-	-	-	-	123 9 -
2 Messengers, at 30 <i>l.</i> 18 <i>s.</i>	-	-	-	-	-	-	-	-	-	61 16 -
8 Boatmen, at 30 <i>l.</i> 18 <i>s.</i>	-	-	-	-	-	-	-	-	-	247 4 -
Overseer of pontoons	-	-	-	-	-	-	-	-	-	41 3 -
Keeper of pontoons	-	-	-	-	-	-	-	-	-	20 12 -
Keeper of the Lighthouse	-	-	-	-	-	-	-	-	-	36 - -
Keeper of the Pulverist	-	-	-	-	-	-	-	-	-	36 - -
Porter of the Pulverist	-	-	-	-	-	-	-	-	-	25 15 -
Registrar of the Magistrate's Court	-	-	-	-	-	-	-	-	-	102 18 -
Clerk and Interpreter of the same Court	-	-	-	-	-	-	-	-	-	30 18 -
Coroner	-	-	-	-	-	-	-	-	-	85 15 -
Service against contraband. { 2 Searchers, at 50 <i>l.</i> each										100 - -
{ 2 Serjeants, at 41 <i>l.</i> 3 <i>s.</i>										82 6 -
{ 4 Boatmen, at 23 <i>l.</i>										92 - -
{ 2 Boys (in the boats), at 11 <i>l.</i> 10 <i>s.</i>										23 - -
8.—(Ceased.)										2,035 3 -
9.—LAND REVENUE AND PUBLIC WORKS.										
Collector of Land Revenue	-	-	-	-	-	-	-	-	-	700 - -
Assistant Collector	-	-	-	-	-	-	-	-	-	200 - -
A Clerk	-	-	-	-	-	-	-	-	-	80 - -
4 Others, at 60 <i>l.</i> 18 <i>s.</i> each	-	-	-	-	-	-	-	-	-	243 12 -
Another	-	-	-	-	-	-	-	-	-	50 - -
2 Others, at 40 <i>l.</i> each	-	-	-	-	-	-	-	-	-	80 - -
Notary and Keeper of Records	-	-	-	-	-	-	-	-	-	120 - -
2 Messengers, at 30 <i>l.</i> 18 <i>s.</i> each	-	-	-	-	-	-	-	-	-	61 16 -
A Summoning Messenger	-	-	-	-	-	-	-	-	-	18 - -
2 Others, at 7 <i>l.</i> 10 <i>s.</i> each	-	-	-	-	-	-	-	-	-	15 - -
3 Country Messengers, at 7 <i>l.</i> 15 <i>s.</i> each	-	-	-	-	-	-	-	-	-	23 5 -
Surveyor and Draughtsman	-	-	-	-	-	-	-	-	-	85 15 -
3 Keepers of Aqueducts, at 41 <i>l.</i> 3 <i>s.</i> each	-	-	-	-	-	-	-	-	-	123 9 -
2 Others, at 24 <i>l.</i> each	-	-	-	-	-	-	-	-	-	48 - -
Superintendent of the Botanical Garden	-	-	-	-	-	-	-	-	-	15 9 -
Head Gardener, same garden	-	-	-	-	-	-	-	-	-	25 12 -
3 Gardeners, same garden, at 20 <i>l.</i> 12 <i>s.</i> each	-	-	-	-	-	-	-	-	-	61 16 -

SALARIES, MALTA.—FIFTH RETURN—continued.

		31st December 1834. ANNUAL RATE.		
		£.	s.	d.
9.—LAND REVENUE AND PUBLIC WORKS—continued.				
2 Labourers, same garden, 18 <i>l.</i> 11 <i>s.</i> and 15 <i>l.</i> 12 <i>s.</i>	- - - - -	34	3	-
Keeper of the Fungus Rock of Malta	- - - - -	8	12	-
Director of Government Works	- - - - -	500	-	-
His Assistant	- - - - -	100	-	-
Clerk of Stores	- - - - -	82	6	-
2 Clerks, at 51 <i>l.</i> 9 <i>s.</i> each	- - - - -	102	18	-
Messenger	- - - - -	30	18	-
Head Superintendent of Artificers	- - - - -	111	9	-
His Assistant	- - - - -	85	15	-
Clerk of Works	- - - - -	46	6	-
2 Overseers of Works, at 41 <i>l.</i> 3 <i>s.</i> each	- - - - -	82	6	-
Foreman of Carpenters	- - - - -	77	3	-
Foreman of Blacksmiths	- - - - -	77	3	-
Painter	- - - - -	36	-	-
Attendant of Stores	- - - - -	33	9	-
Porter of Stores	- - - - -	23	3	-
Island of Gozo.	Collector	£. 171	9	-
	His per centage on collections averaged the last nine years	64	1	6
	Allowed for Calesse	20	-	-
	A Clerk	77	3	-
	Another	30	18	-
	Keeper of the Fungus Rock	5	3	-
	Messenger	20	12	-
	Summoning Officer	15	9	-
10.—EXCISE ON WINE AND SPIRITS.		3,788	-	6
Collector	- - - - -	200	-	-
Clerk	- - - - -	81	15	-
Gauger	- - - - -	100	-	-
Messenger	- - - - -	30	18	-
Porter of Bonding Stores	- - - - -	18	-	-
11.—(Ceased.)		430	13	-
12.—TRIBUNALS, POLICE AND PRISONS.				
Superior Courts.	Chief Justice	1,500	-	-
	4 Judges, at 428 <i>l.</i> 12 <i>s.</i> each	1,714	8	-
	Another	350	-	-
	Another	308	10	-
	Attorney-General	800	-	-
	Allowed for a Clerk	40	-	-
	King's Counsel	192	18	-
	Another	150	-	-
	Advocate for the Poor	83	7	-
	His Assistant	38	3	-
	Registrar of the Criminal Court	82	6	-
	His Assistant	51	9	-
	Interpreter	41	3	-
	Clerk	41	3	-
	Porter	30	18	-
Inferior Courts.	Messenger to the Crown Lawyers	20	-	-
	First Magistrate	342	18	-
	A Magistrate	257	3	-
	2 Others, at 180 <i>l.</i> each	360	-	-
	A Registrar	92	12	-
	2 Others, at 51 <i>l.</i> 9 <i>s.</i> each	102	18	-
	Clerk	51	9	-
	Interpreter	41	3	-
	Porter	36	-	-
	Another	35	-	-
Lord Lieutenancy.	6 Lord Lieutenants, at 85 <i>l.</i> 15 <i>s.</i> each	514	10	-
	A Deputy Lieutenant	61	15	-
	5 Others, at 51 <i>l.</i> 9 <i>s.</i> each	257	5	-
	4 Others, at 41 <i>l.</i> 3 <i>s.</i> -	164	12	-
	11 Others, at 30 <i>l.</i> 18 <i>s.</i> -	339	18	-
Executive Police.	Magistrate	350	-	-
	His Assistant	123	9	-
	A Clerk	82	6	-
	2 Others, at 61 <i>l.</i> 15 <i>s.</i> each	123	10	-
	Another	55	-	-
	Another	50	-	-
	Medical Officer	144	-	-

SALARIES, MALTA.—FIFTH RETURN—continued.

		31st December 1834. ANNUAL RATE.
12.—TRIBUNALS, POLICE AND PRISONS—continued.		£. s. d.
Executive Police.	Messenger - - - - -	25 15 -
	First Adjutant - - - - -	102 18 -
	A Deputy Adjutant - - - - -	82 6 -
	His Clerk - - - - -	24 - -
	2 Deputy Adjutants, at 51 <i>l.</i> 9 <i>s.</i> each - - - - -	102 18 -
	2 Others, at 41 <i>l.</i> 3 <i>s.</i> - - - - -	82 6 -
	Another - - - - -	40 - -
	2 Serjeant Majors, 30 <i>l.</i> 18 <i>s.</i> and 30 <i>l.</i> - - - - -	60 18 -
	26 Serjeants, at 25 <i>l.</i> 15 <i>s.</i> each - - - - -	669 10 -
	7 Others, at 25 <i>l.</i> - - - - -	175 - -
	7 Constables, at 23 <i>l.</i> 3 <i>s.</i> - - - - -	162 1 -
	8 Others, at 17 <i>l.</i> 3 <i>s.</i> - - - - -	137 4 -
	2 Others, at 10 <i>l.</i> 6 <i>s.</i> - - - - -	20 12 -
	14 Others, at 10 <i>l.</i> - - - - -	140 - -
Great Prison:		
Prisons	Principal Gaoler - - - - -	82 6 -
	Under Gaoler - - - - -	41 3 -
	Clerk - - - - -	41 3 -
	6 Turnkeys, at 20 <i>l.</i> 12 <i>s.</i> each - - - - -	123 12 -
	Matron over Female Convicts - - - - -	10 - -
	Gaoler; Debtors' Division - - - - -	26 15 -
Castellania:		
	Gaoler - - - - -	41 3 -
	Under Gaoler - - - - -	26 15 -
	2 Turnkeys, at 20 <i>l.</i> 12 <i>s.</i> each - - - - -	41 4 -
	Executioner - - - - -	38 12 -
	Trumpeter - - - - -	12 18 -
Collection of Dues.	Collector - - - - -	171 9 -
	Clerk - - - - -	70 - -
	Messenger - - - - -	25 15 -
Island of Gozo.	Lieutenant-Governor - - - - - £. 257 3 -	340 10 -
	Calesse Allowance - - - - - 83 7 -	
	His Secretary - - - - -	77 3 -
	3 Judicial Magistrates, at 128 <i>l.</i> 12 <i>s.</i> each - - - - -	385 16 -
	King's Counsel - - - - -	51 9 -
	Advocate for the Poor - - - - -	10 - -
	2 Court Registrars, at 61 <i>l.</i> 15 <i>s.</i> each - - - - -	123 10 -
	An Assistant Registrar - - - - -	25 15 -
	2 Porters and Messengers, at 15 <i>l.</i> 9 <i>s.</i> each - - - - -	30 18 -
	Police Adjutant - - - - -	57 3 -
	Police Clerk - - - - -	42 - -
	4 Police Serjeants, at 20 <i>l.</i> 12 <i>s.</i> each - - - - -	82 8 -
	A Constable - - - - -	10 6 -
	3 Others, at 5 <i>l.</i> 3 <i>s.</i> each - - - - -	15 9 -
	4 Others, at 6 <i>l.</i> - - - - -	24 - -
	2 Others, at 3 <i>l.</i> 9 <i>s.</i> - - - - -	6 18 -
	4 Syndics of Casals, at 12 <i>l.</i> - - - - -	48 - -
	Guardian of the Port of Migiarro - - - - -	46 6 -
	Guardian of the Coast - - - - -	11 10 -
	Gaoler - - - - -	20 12 -
Extra.—2 Police Judicial Magistrates, at 90 <i>l.</i> each - - - - -		180 - -
Gaoler of the Prison at Senglea - - - - -		30 - -
3 Turnkeys of the same Prison, at 20 <i>l.</i> each - - - - -		60 - -
Medical Attendant of the same Prison - - - - -		5 - -
Chaplain for the Prisons - - - - -		20 - -
3 Police Serjeants, at 25 <i>l.</i> 15 <i>s.</i> each - - - - -		77 5 -
Another - - - - -		25 - -
2 Constables, at 23 <i>l.</i> 3 <i>s.</i> and 10 <i>l.</i> - - - - -		33 3 -
		13,017 9 -
13.—GRAIN DEPARTMENT.		
Superintendent and Collectors - - - - -		500 - -
Government Agent and Broker - - - - -		600 - -
First Clerk - - - - -		164 12 -
Cashier - - - - -		113 3 -
A Clerk - - - - -		102 18 -
2 Others, at 60 <i>l.</i> and 50 <i>l.</i> - - - - -		110 - -
2 Porters and Messengers, at 30 <i>l.</i> 18 <i>s.</i> each - - - - -		61 16 -
		13,447 17 -

SALARIES, MALTA.—FIFTH RETURN—*continued.*

		31st December 1834. ANNUAL RATE.
14.—CHARITABLE INSTITUTIONS— <i>continued.</i>		
Hospitals.	6 Others, at 20 <i>l.</i>	£. s. d. 120 — —
	10 Others, at 15 <i>l.</i>	150 — —
	Keeper of the Burial Ground	18 — —
3 Physicians to the Poor of the "Three Cities," at 6 <i>l.</i> 18 <i>s.</i> each		20 14 —
A Surgeon to the Poor of Senglea		2 15 —
A Physician to the Poor of Floriana		5 3 —
Physician attending British Vessels in Quarantine		20 — —
Hospital of Gozo.	Purveyor	30 — —
	Clerk	15 — —
	A Surgeon	35 8 —
	4 Medical Officers, at 20 <i>l.</i> each	80 — —
	Chaplain	5 — —
	Midwife	1 14 —
	Wardkeeper	15 — —
	Servant	12 10 —
	Cook	10 — —
		3,549 6 —
<i>Extra.</i> —Allowed the Purveyor for extra duty		30 — —
Allowed a Clerk for extra duty in the Bakery		20 — —
Apothecary of the Public Dispensary		30 — —
Porter of the same Dispensary		20 — —
A Gravedigger		25 — —
		3,674 6 —
15.—UNIVERSITY OF LITERATURE.		
Rector		80 — —
2 Professors, at 50 <i>l.</i> each		100 — —
9 Others, at 35 <i>l.</i>		315 — —
4 Others, at 25 <i>l.</i>		100 — —
2 Others, at 15 <i>l.</i>		30 — —
Master of the English Language		60 — —
8 Masters, at 25 <i>l.</i> each		200 — —
2 Others, at 20 <i>l.</i>		40 — —
2 Prefects, 20 <i>l.</i> and 15 <i>l.</i>		35 — —
Beadle		20 — —
2 Porters, at 15 <i>l.</i> each		30 — —
		1,010 — —
16.—PUBLIC LIBRARY.		
Librarian		123 9 —
His Assistant		61 15 —
Deliverer of Books		30 18 —
Porter		20 12 —
		236 14 —
17.—MISCELLANEOUS.		
Colonial Agent General		250 — —
TEMPORARY OR EXTRA.		
2 Commissioners for the formation of new Codes of Law, at 128 <i>l.</i> 12 <i>s.</i> each		257 4 —
Another, whose salary (in another capacity) is made up to the same rate		45 5 —
2 Secretaries to the same Commission, at 150 <i>l.</i> each		300 — —
Their Clerk		50 — —
Allowed the First Accountant of the Treasury (stated on the Average of the last five years) for assistance to the Commission for investigating Claims originating during the Blockade in 1798, 1799 and 1800		33 — —
Allowed the Notary of the Land Revenue Office (stated on a like average) for assistance to the same Commission		18 — —
		953 9 —

SUMMARY OF THE FOREGOING PARTICULARS:

BRANCHES OF SERVICE.										Annual Rate of Salaries on the 31st Dec. 1834.		
										£.	s.	d.
1.	PALACE ESTABLISHMENT	-	-	-	-	-	-	-	-	5,586	17	-
2.	CHIEF SECRETARY'S AND DEPENDENT OFFICES	-	-	-	-	-	-	-	-	4,354	9	-
3.	TREASURY	-	-	-	-	-	-	-	-	1,770	12	-
4.	AUDIT OF ACCOUNTS	-	-	-	-	-	-	-	-	830	-	-
5.	CUSTOMS	-	-	-	-	-	-	-	-	1,117	11	-
6.	QUARANTINE	-	-	-	-	-	-	-	-	2,831	11	4
7.	MARINE POLICE	-	-	-	-	-	-	-	-	2,035	3	-
9.	LAND REVENUE AND PUBLIC WORKS	-	-	-	-	-	-	-	-	3,788	-	6
10.	EXCISE ON WINE AND SPIRITS	-	-	-	-	-	-	-	-	430	13	-
12.	TRIBUNALS, POLICE AND PRISONS	-	-	-	-	-	-	-	-	13,447	17	-
13.	GRAIN DEPARTMENT	-	-	-	-	-	-	-	-	2,189	1	-
13 (A).	MARKETS	-	-	-	-	-	-	-	-	738	15	-
14.	CHARITABLE INSTITUTIONS	-	-	-	-	-	-	-	-	3,674	6	-
15.	UNIVERSITY OF LITERATURE	-	-	-	-	-	-	-	-	1,010	-	-
16.	PUBLIC LIBRARY	-	-	-	-	-	-	-	-	236	14	-
17.	MISCELLANEOUS	-	-	-	-	-	-	-	-	953	9	-
										£.	44,994	18 10

The classification has hitherto been in a great measure arbitrary, for the purpose of preserving that uniformity which is essential for the comparison given in the Sixth of these Returns; but the following Recapitulation, extracted from the Public Accounts for December 1834, will show the real classification of these services:—

DEPARTMENTS.										Salaries paid in Dec. 1834, at the annual Rate of		
										£.	s.	d.
FIXED ESTABLISHMENT.	Lieutenant Governor's Establishment	-	-	-	-	-	-	-	-	5,494	5	-
	Chief Secretary's Office	-	-	-	-	-	-	-	-	4,304	9	-
	Treasurer's Office	-	-	-	-	-	-	-	-	1,770	12	-
	Audit Office	-	-	-	-	-	-	-	-	830	-	-
	Customs	-	-	-	-	-	-	-	-	1,117	11	-
	Quarantine	-	-	-	-	-	-	-	-	2,789	18	-
	Marine Police	-	-	-	-	-	-	-	-	1,830	9	-
	Land Revenue	-	-	-	-	-	-	-	-	1,973	17	-
	Public Works and Repairs	-	-	-	-	-	-	-	-	1,386	16	-
	Excise on Wine and Spirits	-	-	-	-	-	-	-	-	430	13	-
	Judicial Departments	-	-	-	-	-	-	-	-	11,526	13	-
	Markets	-	-	-	-	-	-	-	-	563	8	-
	Grain Department	-	-	-	-	-	-	-	-	2,100	13	-
	Charitable Institutions	-	-	-	-	-	-	-	-	771	16	-
FIXED CONTINGENCIES.	University and Lyceum	-	-	-	-	-	-	-	-	1,010	-	-
	Government Library	-	-	-	-	-	-	-	-	236	14	-
	<i>In Gozo:</i>											
	Lieutenant-Governor's (of Gozo) Establishmen	t	-	-	-	-	-	-	-	334	6	-
	Land Revenue	-	-	-	-	-	-	-	-	320	14	-
	Judicial Departments	-	-	-	-	-	-	-	-	992	-	-
	Markets	-	-	-	-	-	-	-	-	125	7	-
	Charitable Institutions	-	-	-	-	-	-	-	-	45	-	-
	Marine Police	-	-	-	-	-	-	-	-	297	6	-
	Judicial Departments	-	-	-	-	-	-	-	-	40	-	-
	Markets	-	-	-	-	-	-	-	-	50	-	-
	Charitable Institutions	-	-	-	-	-	-	-	-	2,572	18	-
	Lieutenant Governor of Gozo	-	-	-	-	-	-	-	-	83	7	-
	Land Revenue, Gozo	-	-	-	-	-	-	-	-	20	-	-
UNFIXED CONTINGENCIES.	Charitable Institutions, Gozo	-	-	-	-	-	-	-	-	159	12	-
	Chief Secretary's Office	-	-	-	-	-	-	-	-	50	-	-
	Quarantine	-	-	-	-	-	-	-	-	41	13	4
	Judicial Departments	-	-	-	-	-	-	-	-	430	8	-
	Grain Department	-	-	-	-	-	-	-	-	68	8	-
										125	-	-
Add, - - Vacant on the Fixed Establishment—Land Revenue										43,895	13	4
Ditto - - ditto - - Judicial										20	12	-
Agent in London, paid there -										41	3	-
Fixed Contingencies—Land Revenue, Gozo, averaged on 9 years										250	-	-
Unclassed Services, averaged on 5 years										64	1	6
Unfixed Contingencies—Grain Department; in arrear										51	-	-
Unclassed Service; in arrear at the rate of										20	-	-
										652	-	-
										£.	44,994	18 10

Malta, }
29 Dec. 1835. }

W^m H^y Thornton,
Acc^t Gen^l.

SALARIES, MALTA.—SIXTH RETURN.

[With reference to the accompanying Explanatory Statement.]

A RETURN, exhibiting in a COMPARATIVE VIEW the ANNUAL RATE and AMOUNT of all SALARIES and other PECUNIARY ALLOWANCES derived from Government by Persons holding Situations in or under the CIVIL GOVERNMENT of Malta, from the 1st January 1816 to the 31st December 1834, with a glance to the state of such EMOLUMENTS as borne on the 30th April 1813.

Note.—From the beginning of 1826 there is a latent Increase in consequence of the Current Dollar having been paid at 50 *d.* instead of 51 $\frac{1}{2}$ *d.* Sterling, the difference being precisely Three per Cent. on the new Rate.

Annual Rate in Pounds Sterling on the 30 April 1813.	Annual Rate in Pounds Sterling on the 31st December																			
	1 Jan. 1816.	1816.	1817.	1818.	1819.	1820.	1821.	1822.	1823.	1824.	1825.	1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.
1. Palace Establishment -	£. 7,666	£. 6,413	£. 7,475	£. 7,607	£. 7,648	£. 7,648	£. 7,648	£. 7,648	£. 7,664	£. 5,973	£. 6,863	£. 7,935	£. 5,936	£. 5,439	£. 5,439	£. 5,439	£. 5,429	£. 5,587	£. 5,587	£. 5,587
2. Chief Secretary's and Dependent Offices -	£. 4,178	£. 4,815	£. 4,908	£. 4,807	£. 4,781	£. 4,779	£. 4,936	£. 5,249	£. 5,224	£. 5,073	£. 5,142	£. 5,308	£. 5,057	£. 4,709	£. 4,782	£. 4,802	£. 4,782	£. 4,461	£. 4,424	£. 4,354
3. Treasury -	£. 1,751	£. 1,883	£. 1,800	£. 1,826	£. 1,958	£. 1,958	£. 1,958	£. 1,958	£. 1,958	£. 1,958	£. 1,959	£. 1,954	£. 1,954	£. 1,954	£. 1,954	£. 1,954	£. 1,954	£. 1,871	£. 1,771	£. 1,771
4. Audit of Accounts -	£. 183	£. 1,067	£. 1,235	£. 1,240	£. 845	£. 1,041	£. 1,041	£. 1,207	£. 1,164	£. 958	£. 866	£. 865	£. 865	£. 865	£. 865	£. 865	£. 865	£. 865	£. 830	£. 830
5. Customs -	£. 1,121	£. 1,166	£. 1,306	£. 1,689	£. 1,718	£. 1,718	£. 1,672	£. 1,669	£. 1,269	£. 1,320	£. 1,320	£. 1,334	£. 1,334	£. 1,130	£. 1,130	£. 1,130	£. 1,121	£. 1,160	£. 1,110	£. 1,117
6. Quarantine -	£. 2,716	£. 3,558	£. 3,674	£. 3,495	£. 3,028	£. 2,975	£. 2,975	£. 2,991	£. 2,955	£. 2,914	£. 2,915	£. 3,010	£. 3,010	£. 3,025	£. 3,025	£. 3,025	£. 3,035	£. 2,890	£. 2,837	£. 2,832
7. Marine Police -	£. 784	£. 2,375	£. 2,375	£. 2,387	£. 2,172	£. 2,172	£. 2,172	£. 2,166	£. 2,141	£. 2,115	£. 2,115	£. 2,112	£. 2,244	£. 2,442	£. 2,304	£. 2,295	£. 2,194	£. 2,194	£. 2,194	£. 2,035
8. Port Dues -	£. 297	£. 278	£. 278	£. 278	£. 283	£. 283	£. 283	£. 283	£. 283	£. 283	£. 283	£. 283	£. 283	£. 283	£. 283	£. 283	£. 283	£. —	£. —	£. —
9. Land Revenue & Public Works -	£. 2,390	£. 3,262	£. 3,365	£. 3,264	£. 3,408	£. 3,716	£. 3,711	£. 3,765	£. 3,790	£. 3,747	£. 3,857	£. 3,902	£. 4,025	£. 3,985	£. 4,031	£. 3,884	£. 3,884	£. 3,838	£. 3,788	£. 3,788
10. Excise on Wine and Spirits -	£. 224	£. 254	£. 254	£. 249	£. 209	£. 309	£. 309	£. 309	£. 309	£. 309	£. 309	£. 309	£. 309	£. 309	£. 327	£. 405	£. 327	£. 372	£. 472	£. 431
11. Vendue Office -	£. 4,804	£. 795	£. 654	£. 501	£. 657	£. 657	£. 439	£. 439	£. 398	£. 398	£. 398	£. 393	£. 393	£. 393	£. 393	£. 393	£. 393	£. 393	£. —	£. —
12. Tribunals, Police and Prisons -	£. 9,325	£. 11,702	£. 11,921	£. 12,342	£. 11,945	£. 12,279	£. 13,090	£. 12,401	£. 12,009	£. 13,811	£. 14,303	£. 14,325	£. 13,213	£. 12,524	£. 12,711	£. 12,709	£. 12,646	£. 13,370	£. 13,448	£. 13,448
13. Grain Department -	£. 4,481	£. 4,993	£. 4,948	£. 5,005	£. 4,196	£. 3,360	£. 3,216	£. 2,285	£. 2,319	£. 2,525	£. 2,675	£. 2,506	£. 2,219	£. 2,219	£. 2,219	£. 2,219	£. 2,219	£. 2,189	£. 2,189	£. 2,189
13 (A.) Market (from Grain Department) -	£. —	£. —	£. —	£. —	£. 760	£. 680	£. 680	£. 680	£. 706	£. 706	£. 706	£. 704	£. 729	£. 729	£. 729	£. 739	£. 739	£. 739	£. 739	£. 739
14. Charitable Institutions -	£. 3,911	£. 3,847	£. 4,041	£. 3,929	£. 3,990	£. 4,134	£. 4,093	£. 3,916	£. 3,890	£. 3,900	£. 3,936	£. 3,992	£. 3,992	£. 3,992	£. 3,992	£. 3,717	£. 3,732	£. 3,620	£. 3,674	£. 3,674
15. University of Literature -	£. 583	£. 532	£. 532	£. 532	£. 532	£. 532	£. 532	£. 558	£. 593	£. 593	£. 593	£. 593	£. 593	£. 593	£. 593	£. 593	£. 593	£. 593	£. 828	£. 1,010
16. Public Library -	£. 97	£. 103	£. 103	£. 103	£. 103	£. 103	£. 103	£. 103	£. 103	£. 237	£. 237	£. 237	£. 237	£. 237	£. 237	£. 237	£. 237	£. 237	£. 237	£. 237
17. Miscellaneous -	£. 290	£. 1,039	£. 1,039	£. 1,068	£. 1,068	£. 1,568	£. 1,568	£. 1,568	£. 1,465	£. 1,051	£. 952	£. 1,314	£. 949	£. 865	£. 865	£. 734	£. 884	£. 884	£. 634	£. 953
TOTAL -	£. 44,891	£. 48,076	£. 49,740	£. 50,317	£. 49,025	£. 50,479	£. 50,249	£. 48,919	£. 48,240	£. 48,711	£. 49,429	£. 50,326	£. 47,342	£. 45,693	£. 45,879	£. 45,433	£. 45,418	£. 45,293	£. 44,762	£. 44,995

Malta, 29 December 1835.

Wm Hy Thornton, Audr Genl.

SALARIES, MALTA.—SEVENTH RETURN.

[With reference to the accompanying Explanatory Statement.]

A RETURN, distinguishing by Name the Individuals who, from the 1st January 1816 to the 31st December 1834, respectively derived from Employment in or under the Civil Government of *Malta*, SALARIES or other EMOLUMENTS to the amount of £.150 Sterling, or upwards, and showing the Amount so received by each Individual.

Notes.—1. In consequence of the limited space, distinctions of rank below the degree of Knight, as likewise the distinctive initials of Orders of Knighthood, are omitted; and where titles are given, it does not follow as a thing of course, that the individuals bore them at the commencement, or indeed so early as during any portion of the respective periods.—2. Salaries originally fixed in Maltese currency are converted into sterling, at the rate of 4s. 3½d. the current dollar of 2½ Sc., until the 1st January 1826, when they are stated in the sterling paid.—3. Fractions of a pound are omitted when under 10s.; are made up to a pound when above; and when exactly 10s., the total of pounds is left or made an even number.

AMOUNT IN POUNDS STERLING PAID TO EACH INDIVIDUAL DURING THE YEARS																				
	1816.	1817.	1818.	1819.	1820.	1821.	1822.	1823.	1824.	1825.	1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.	
The Right hon. Sir Tho. Maitland, governor	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	222	-	-	-	-	-	-	-	-	-	-	Died.
Coach and Callesse allowance	558	558	558	558	558	558	558	558	26	-	-	-	-	-	-	-	-	-	-	
His private Secretary received	500	500	500	500	500	500	500	500	22	-	-	-	-	-	-	-	-	-	-	Superseded.
The Rev. John C. Miller, chaplain	300	300	300	300	300	300	300	300	108	-	-	-	-	-	-	-	-	-	-	Resigned.
Sir Alex. Wood, chief secretary	1,500	1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Callesse allowance	86	57	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Henry Fletcher, 1st assistant, chief secretary's office	429	165	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Vincenzo Mano, 2d ditto	286	286	286	286	286	286	286	286	286	286	286	286	286	286	286	286	286	286	286	Superseded.
Joint Editor of Gazette (two months)	-	-	-	14	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Remained.
Joint Secretary, Code Commission	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
William Sim, 3d assist. chief sec. office	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Superintendent of post-office	360	139	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
First Assistant, chief sec. office	-	264	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Donald C. Cormack, clerk, same office	215	107	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-- Remained at the rate of 150/. See at the end of the 8th Return.
George Headop, ditto (two months)	29	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Remained.
Gust. Adolf. Braccini, editor of Gazette (three months)	47	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Discontinued.
Sir Rich. Plasket, acting treasurer	500	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Reduced below 150/.
Callesse allowance	86	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Resigned.
Sir Vinc. Casolani, cashier, Treasury	343	343	343	408	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	Relieved.
Editor of the Gazette	77	103	103	26	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
James Toole, auditor of accounts	274	274	274	274	274	274	251	-	-	-	-	-	-	-	-	-	-	-	-	Remained.
William H. Thornton, auditor of arrears	429	429	429	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Successively commissioner of supply and auditor of accounts	-	-	-	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500	Pensioned.
Received a remuneration for additional duty in auditing arrears, which is divided summarily through five years	-	-	-	200	200	200	200	200	200	200	200	200	200	200	200	200	200	200	200	Remained.
Henry Harper, assist. arrear audit	172	172	172	77	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
First clerk, Board of Supply	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Superintendent of printing-office and editor of the Gazette	-	-	-	150	258	258	258	258	258	258	134	-	-	-	-	-	-	-	-	Died.
Francis Muller, collector of Customs	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	Died.
Rob. Grieves, superintendent of quarantine	800	800	800	800	800	800	800	800	800	800	441	-	-	-	-	-	-	-	-	Pensioned.
Allowed in lieu of forage	-	-	-	-	-	-	38	78	78	43	-	-	-	-	-	-	-	-	-	

Died.
Died.
Pensioned.

[illegible]

RETURNS RELATIVE TO COUNCIL OF GOVERNMENT

SALARIES, MALTA.—SEVENTH RETURN—continued.

AMOUNT, IN POUNDS STERLING, PAID TO EACH INDIVIDUAL DURING THE YEARS														
	1822.	1823.	1824.	1825.	1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.	
Thomas Wood, clerk, chief secretary's office (increased from below 150 <i>l.</i>)	£. 26	154	154	154	157	64	-	-	-	-	-	-	-	Resigned. Situation suppressed.
Frederick Ross, registrar, public Registry-office	309	268	255	255	255	255	-	-	-	-	-	-	-	Situation suppressed.
Lieut.-Colonel Henry Bailevis, deputy inspector-general of police	22	177	177	177	177	177	177	177	177	177	15	-	-	Remained.
Callesse allowance	11	86	86	86	83	83	83	83	83	83	600	600	600	Remained.
James Calvert, Government agent and broker	39	309	309	309	422	600	600	600	600	600	600	600	600	Remained.
A per centage on purchases and sales of grain and cotton, averaging	-	-	-	-	-	-	-	-	-	-	-	-	-	Remained.
William Lewis, successively first clerk of Customs and Grain Department	-	-	-	-	-	-	-	-	-	-	-	-	-	Situation suppressed.
Robert A. Dalzel, first clerk, Customs	90	154	165	165	165	165	165	165	165	165	165	165	165	Remained.
	26	154	154	154	154	154	-	-	-	-	-	-	-	Situation suppressed.
	28,793													
Giuseppe Casolani, assistant collector, land revenue, (increased from below 150 <i>l.</i>)	-	154	154	154	177	200	200	200	200	200	200	200	200	Remained.
		28,185												
The Marquis of Hastings, governor	-	-	3,884	5,000	4,583	-	-	-	-	-	-	-	-	Died.
Coach and Callesse allowance	-	-	316	558	497	-	-	-	-	-	-	-	-	
His private secretary received	-	-	252	400	367	300	300	300	300	300	300	300	300	--Remained. [See at the end of the 8th Return.]
The Rev. John Cleugh, chaplain	-	-	121	300	300	300	300	300	300	300	300	300	300	Remained.
Sir Frederick Hankey, chief secretary to Government	-	-	1,081	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	--Remained at the rate of 200 <i>l.</i>
Callesse allowance	-	-	62	86	83	83	83	83	83	83	83	83	83	Situation suppressed.
Frederick Sedley, clerk, chief secretary's office (increased from below 150 <i>l.</i>)	-	-	154	154	154	163	170	170	170	170	170	170	170	Situation suppressed.
Luigi Casolani (afterwards first) assistant, Marine Police	-	-	115	154	154	154	154	154	154	154	154	154	154	Reduced below 160 <i>l.</i>
Edward J. Jarvis, assessor to Government	-	-	744	800	800	800	67	-	-	-	-	-	-	Relieved.
Richard J. Bourchier, assistant superintendent of grain	-	-	107	258	257	-	154	154	13	-	-	-	-	
Edward Jafferson, first clerk, Charitable Institutions (increased from below 150 <i>l.</i>)	-	-	26	154	154	154	154	154	-	-	-	-	-	
	-	-	26,908											
Sir Alexander Woodford, lieutenant-governor (on governor's absence and death, 1,000 <i>l.</i> per annum)	-	-	83	361	125	-	-	-	-	-	-	-	-	
Permanent allowance	-	-	-	365	45	-	-	-	-	-	-	-	-	
Coach and Callesse allowance (on governor's death)	-	-	-	45	68	-	-	-	-	-	-	-	-	
A private secretary received	-	-	-	16	40	-	-	-	-	-	-	-	-	
Nicholas Nugent, collector of land revenue	-	-	218	500	604	750	750	750	750	750	750	217	217	
Callesse allowance	-	-	38	83	49	-	-	-	-	-	-	-	-	
A per centage on collections	-	-	72	128	78	-	-	-	-	-	-	-	-	
Treasurer	-	-	-	-	-	-	-	-	-	-	-	-	-	
Dr. Giovanni Vella, joint Crown Advocate	-	-	-	145	193	193	-	-	-	-	-	-	675	Remained.
Judge	-	-	-	-	-	112	-	-	-	-	-	-	900	
Dr. Gio. Batt. Satariano, joint Crown Advocate	-	-	-	145	193	193	129	383	350	350	350	402	429	Remained.
Judge	-	-	-	-	-	193	193	80	308	308	308	336	350	Remained.
The hon. W. F. De Roos, agent in London	-	-	-	115	500	500	-	500	500	500	500	125	-	Situation suppressed.
	-	-	-	-	-	-	-	-	-	-	-	-	-	
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SALARIES, MALTA.—EIGHTH RETURN.

[With reference to the accompanying Explanatory Statement.]

A RETURN, showing the ANNUAL RATE and AMOUNT of all SALARIES or other pecuniary Emoluments derived from Funds not passing through the Treasury of Government by Persons holding Situations under the CIVIL GOVERNMENT of Malta, as borne on the 31st day of December 1834.

										31st December 1834. ANNUAL RATE.
1.—SUPREME COUNCIL OF JUSTICE.										
[From the Fees of Registry.]										£. s. d.
Registrar—Fees, clear of expenses, received in 1834	-	-	-	-	-	-	-	-	-	86 17 1
Clerk	-	-	-	-	-	-	-	-	-	40 - -
Porter	-	-	-	-	-	-	-	-	-	15 - -
2.—SUPERIOR CIVIL COURTS.										141 17 1
[From the Fees of Registry, which whenever inadequate, the salaries are generally subject to reduction, by the rule of proportion, to the extent of the deficiency of means.]										
Court of Appeal :										
Registrar	-	-	-	-	-	-	-	-	-	150 - -
An Assistant	-	-	-	-	-	-	-	-	-	75 - -
2 Others, 60 <i>l.</i> and 45 <i>l.</i>	-	-	-	-	-	-	-	-	-	105 - -
Clerk	-	-	-	-	-	-	-	-	-	35 - -
Interpreter	-	-	-	-	-	-	-	-	-	30 - -
Messenger	-	-	-	-	-	-	-	-	-	30 - -
Commercial Court :										
Registrar	-	-	-	-	-	-	-	-	-	100 - -
Reporter	-	-	-	-	-	-	-	-	-	75 - -
Assistant	-	-	-	-	-	-	-	-	-	60 - -
A Clerk	-	-	-	-	-	-	-	-	-	35 - -
2 Others, at 30 <i>l.</i> each	-	-	-	-	-	-	-	-	-	60 - -
Another	-	-	-	-	-	-	-	-	-	15 - -
Messenger	-	-	-	-	-	-	-	-	-	25 - -
Civil Court, First Hall :										
Registrar	-	-	-	-	-	-	-	-	-	100 - -
An Assistant	-	-	-	-	-	-	-	-	-	50 - -
2 Others, 40 <i>l.</i> and 35 <i>l.</i>	-	-	-	-	-	-	-	-	-	75 - -
A Clerk	-	-	-	-	-	-	-	-	-	35 - -
3 Others, at 30 <i>l.</i> each	-	-	-	-	-	-	-	-	-	90 - -
Another	-	-	-	-	-	-	-	-	-	20 - -
Clerk and Interpreter	-	-	-	-	-	-	-	-	-	40 - -
Messenger	-	-	-	-	-	-	-	-	-	25 - -
Civil Court, Second Hall :										
Registrar	-	-	-	-	-	-	-	-	-	100 - -
Assistant	-	-	-	-	-	-	-	-	-	50 - -
A Clerk	-	-	-	-	-	-	-	-	-	35 - -
2 Others, at 30 <i>l.</i> each	-	-	-	-	-	-	-	-	-	60 - -
Another	-	-	-	-	-	-	-	-	-	15 - -
Messenger	-	-	-	-	-	-	-	-	-	25 - -
Civil Court, Third Hall :										
Registrar	-	-	-	-	-	-	-	-	-	100 - -
Assistant	-	-	-	-	-	-	-	-	-	50 - -
Clerk	-	-	-	-	-	-	-	-	-	30 - -
Messenger	-	-	-	-	-	-	-	-	-	25 - -
General Service :										
Accountant	-	-	-	-	-	-	-	-	-	60 - -
Clerk	-	-	-	-	-	-	-	-	-	25 - -
A Marshal	-	-	-	-	-	-	-	-	-	55 - -
3 Others, at 50 <i>l.</i> each	-	-	-	-	-	-	-	-	-	150 - -
Court Keeper	-	-	-	-	-	-	-	-	-	40 - -
4 Messengers, at 25 <i>l.</i> each	-	-	-	-	-	-	-	-	-	100 - -
Another	-	-	-	-	-	-	-	-	-	20 - -
2 Others, at 15 <i>l.</i> each	-	-	-	-	-	-	-	-	-	30 - -
Keeper of Records ; Fees received in 1834, net	-	-	-	-	-	-	-	-	-	16 11 9
Marshal for Crown Cases ; Fees received as above, net	-	-	-	-	-	-	-	-	-	49 15 5
										2,266 7 2

SALARIES, MALTA.—EIGHTH RETURN—*continued.*

		31st December 1834. ANNUAL RATE.
3.—BANKRUPTCY COURT. [From Fees taken.]		£. s. d.
Secretary ; Fees, clear of expenses, received in 1834	- - - - -	73 19 2
4.—COMMISSIONERS FOR TAKING EVIDENCE. [From Fees taken.]		
A Commissioner ; Fees received in 1834, net	- - - - -	3 15 -
5 Others, at 15s. each	- - - - -	3 15 -
5.—PRISONS. [From the Convicts' Earnings.]		7 10 -
In addition to their Official Salaries.	Principal Gaoler of Great Prison	10 - -
	Under Gaoler of same Prison	5 - -
	Clerk of same Prison	7 10 -
	Gaoler of Prison at Senglea	5 - -
	Clerk to Deputy Adjutant of Police	5 - -
	9 Turnkeys, at 2 <i>l.</i> 10 <i>s.</i> each	22 10 -
6.—UNIVERSITY AND LYCEUM. [Out of the Receipts from Scholars.]		55 - -
Procurator	- - - - -	25 - -
Assistant Teacher of Arithmetic	- - - - -	10 - -
Chaplain	- - - - -	12 10 -
Regulator of the Clock	- - - - -	3 - -
Servant	- - - - -	7 10 -
Italian Master (Supplement to his Salary of 25 <i>l.</i> from Government)	- - - - -	10 - -
7.—GOVERNMENT CHAPEL.		68 - -
Chaplain ; Surplice Fees and Compensation for Seats received in 1834	- - - - -	85 - -

SUMMARY OF THE FOREGOING PARTICULARS :

DEPARTMENTS.	ANNUAL RATE of SALARIES on the 31st December 1834.
1. SUPREME COUNCIL OF JUSTICE	£. s. d. 141 17 1
2. SUPERIOR CIVIL COURTS	2,266 7 2
3. BANKRUPTCY COURT	73 19 2
4. COMMISSIONERS FOR TAKING EVIDENCE	7 10 -
5. PRISONS	55 - -
6. UNIVERSITY AND LYCEUM	68 - -
7. GOVERNMENT CHAPEL	85 - -
	2,697 13 5

With reference to the Seventh Return, which distinguishes by name those [Individuals whose Emoluments amounted to 150*l.* or upwards, the following Names are to be noted as belonging to the present Return :—

Vincenzo Montanaro, Registrar of the Court of Appeal, annual Salary	£. s. d. 150 - -
Vincenzo Mamo, Registrar of the Supreme Council, in addition to his Emoluments of 420 <i>l.</i> in two capacities (7th Return, p. 56.)	86 17 1
Henry Fletcher, Secretary of the Bankruptcy Court, in addition to his pay of 150 <i>l.</i> as a Secretary of the Code Commission (7th Return, p. 61.)	73 19 2
The Rev. John Cleugh, Government Chaplain, in addition to his Salary (7th Return, p. 60.)	85 - -
John Mackenzie, a Commissioner for taking Evidence, in addition to his Salary of 500 <i>l.</i> as Director of Works (7th Return, p. 57.)	3 15 -
Dr. Giovanni Sabino Vella, another such Commissioner, in addition to his Salary of 180 <i>l.</i> as a Judicial Magistrate (7th Return, p. 61.)	- 15 -
	400 6 3

AND CUSTOMS AND EXCISE DUTIES, MALTA.

65

SALARIES, MALTA.—NINTH (AND LAST) RETURN.

[With reference to the accompanying Explanatory Statement.]

A RETURN, showing the ANNUAL RATE and AMOUNT of all SALARIES or other pecuniary Allowances derived from Municipal or Private Charitable Funds administered under the control of the CIVIL GOVERNMENT of Malta, as borne on the 31st day of December 1834.

		31st December 1834.
		ANNUAL RATE.
		£. s. d.
1.—MONTE DI PIETA E REDENZIONE.		
[This Institution has the extra charge of collecting the Rents of the Hospital of Sto. Spirito, as well as those of the Private Charitable Funds now appropriated to the service of the House of Industry.]		
Collector of Rents	- - - - -	120 - -
Cashier	- - - - -	75 - -
First Accountant	- - - - -	75 - -
Second Accountant	- - - - -	60 - -
2 Clerks, 45 <i>l.</i> and 40 <i>l.</i>	- - - - -	85 - -
3 Others, at 35 <i>l.</i> each	- - - - -	105 - -
Another	- - - - -	30 - -
2 Keepers of Pledges, 75 <i>l.</i> and 70 <i>l.</i>	- - - - -	145 - -
2 Appraisers of Pledges, 30 <i>l.</i> and 20 <i>l.</i>	- - - - -	50 - -
Collector's Clerk	- - - - -	9 3 4
Legal Adviser	- - - - -	5 - -
Porter	- - - - -	25 - -
His Assistant	- - - - -	7 10 -
		791 13 4
2.—HOSPITAL OF STO. SPIRITO.		
Physician	- - - - -	30 - -
Surgeon	- - - - -	35 - -
Their Assistant	- - - - -	15 - -
Chaplain	- - - - -	10 - -
Cook	- - - - -	10 - -
2 Servants, at 10 <i>l.</i> each	- - - - -	20 - -
Calesse Allowance to the Visiting Member from the Charitable Institutions	- - - - -	40 - -
		160 - -
3.—HOUSE OF INDUSTRY.		
First Clerk	- - - - -	102 18 -
Second Clerk	- - - - -	82 6 -
Storekeeper	- - - - -	46 6 -
Messenger	- - - - -	20 12 -
Chaplain	- - - - -	15 9 -
Physician	- - - - -	10 - -
Door-keeper	- - - - -	30 18 -
Servant in Kitchen	- - - - -	20 12 -
First Female Ward-keeper	- - - - -	25 15 -
2 Female Ward-keepers, 15 <i>l.</i> 15 <i>s.</i> and 10 <i>l.</i>	- - - - -	25 15 -
3 Wet Nurses, at 7 <i>l.</i> 10 <i>s.</i> each	- - - - -	22 10 -
Mistress of Embroidery	- - - - -	25 - -
Mistress superintending the Twisting Machine	- - - - -	7 10 -
Master Weaver	- - - - -	12 - -
Schoolmistress	- - - - -	10 - -
		457 11 -
4.—MONTE DI PIETA, IN GOZO.		
Clerk	- - - - -	16 - -
Keeper of Pledges	- - - - -	14 - -
		30 - -

SUMMARY OF THE FOREGOING PARTICULARS:

INSTITUTIONS.	ANNUAL RATE of SALARIES on the 31st December 1834.
	£. s. d.
1. MONTE DI PIETA E REDENZIONE	791 13 4
2. HOSPITAL OF STO. SPIRITO	160 - -
3. HOUSE OF INDUSTRY	457 11 -
4. MONTE DI PIETA, IN GOZO	30 - -
	1,439 4 4

Malta, 29 December 1835.

W^m H^y Thornton, Auditor General.

No. 1.—LIST of all PENSIONS payable out of the Revenues of Malta, &c.—continued.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.	—
MALTESE INDIVIDUALS—continued.			
Suor Emm ^{la} Zarb - - -	-- For her father's services to the said Order - - -	£. s. d. 2 10 -	£. s. d.
Suor Marianna Pinto - - -	-- A grant by the late Grand Master "Pinto" - - -	12 - -	
D ^{to} Vincenzo Benett - - -	For services under the Order - - -	10 - -	
Odoardo Montanaro - - -	- - ditto - - -	8 - -	
Giuseppe Mallia - - -	- - ditto - - -	5 - -	
Stefano Coen - - -	-- Granted by the Order to his father, Giuseppe, to be enjoyed by his successors, he having discovered a revolt premeditated by the Slaves - - -	12 10 -	
Vincenza Pace Coen - - -	The niece of Guis ^t Coen - ditto	6 5 -	
Giuseppe Pace Coen - - -	- ditto - ditto - - -	6 5 -	
Eufemia Menville - - -	-- In lieu of interest claimed on a capital invested in the Treasury of the Order of St. John by her uncle, Fra Rajmondo Menville -	10 - -	
Giuseppe Menville - - -	- ditto - ditto - - -	10 - -	
Renata Menville - - -	- ditto - ditto - - -	10 - -	
Marianna Menville - - -	- ditto - ditto - - -	10 - -	
Francesca Doublesin - - -	- ditto - invested as above by the Commander, St. Felix	8 - -	
D ⁿ Emman ^{le} Ricaud - - -	-- For services during the blockade of La Valletta - - -	60 - -	2,056 7 -
Filippo Castagna - - -	- - ditto - - -	40 - -	
D ^r Giuseppe Castra - - -	- - ditto - - -	40 - -	
D ^r Luigi Caruana - - -	- - ditto - - -	40 - -	
The Mse. Pandolfo Testaferrata	- - ditto - - -	30 - -	
D ^{to} Gaetano Fubri - - -	- - ditto - - -	30 - -	
The Not ^y Pietro Buttigieg - -	- - ditto - - -	25 - -	
Agostino Sajd - - -	- - ditto - - -	20 - -	
Gaetano Balzan - - -	- - ditto - - -	20 - -	
The Can ^o Bartolommeo Caraffa	- - ditto - - -	20 - -	
Matteo Bonavia - - -	- - ditto - - -	20 - -	
Emmanuele Gellè - - -	- - ditto - - -	20 - -	
D ⁿ Pietro Mallia - - -	- - ditto - - -	20 - -	
Angelo Cilia - - -	- - ditto - - -	15 - -	
The Not ^y F ^o Sar ^o Zarb - - -	- - ditto - - -	15 - -	
Salvatore Libreri - - -	- - ditto - - -	15 - -	
Gregorio Mifsud - - -	- - ditto - - -	15 - -	
Giuseppe Frendo - - -	- - ditto - - -	15 - -	
Maria Rebout - - -	- - ditto - - -	15 - -	
Candida Vitale - - -	- - ditto - - -	15 - -	
Maria Teresa Pulis - - -	- - ditto - - -	13 10 -	
Andrea Attard - - -	- - ditto - - -	12 10 -	
The Parroco Felice Calleja - -	- - ditto - - -	12 - -	
Lorenzo Castra - - -	- - ditto - - -	12 - -	
Giuseppe Montebelli - - -	- - ditto - - -	10 - -	
Giorgio Bonavia - - -	- - ditto - - -	10 - -	
Francesco Zammit - - -	- - ditto - - -	10 - -	
Giuseppe Bonavia - - -	- - ditto - - -	10 - -	
Giuseppe Abela - - -	- - ditto - - -	10 - -	
Matteo Farrugia - - -	- - ditto - - -	10 - -	
The Sac ^{te} Fortunato Dalli - -	- - ditto - - -	10 - -	
Antonio Parnis - - -	- - ditto - - -	10 - -	
Giuseppe Bugeja - - -	- - ditto - - -	10 - -	
Pietro Pace - - -	- - ditto - - -	8 - -	
Giuseppe Camilleri - - -	- - ditto - - -	8 - -	
Alessandro Damato - - -	- - ditto - - -	8 - -	
Giuseppe Xicluna - - -	- - ditto - - -	8 - -	
Andrea Pavla - - -	- - ditto - - -	8 - -	
Eugenia Roujemont - - -	- - ditto - - -	7 10 -	
Matteo Zarb - - -	- - ditto - - -	5 - -	
Francesco Muscat - - -	- - ditto - - -	3 - -	
Giacomo Barbara - - -	- - ditto - - -	2 - -	
Agostino Brineat - - -	- - ditto - - -	2 - -	
Carried forward - - £.		2,056 7 -	

AND CUSTOMS AND EXCISE DUTIES, MALTA.

69

No. 1.—LIST of all PENSIONS payable out of the Revenues of Malta, &c.—continued.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.			
		£.	s. d.	£.	s. d.
MALTESE INDIVIDUALS—continued.					
Brought forward - -		-	-	2,056	7 -
Sisters Villa - - -	-- Their brother having been shot by the French, being implicated in a conspiracy against them -	20	- -		
Vincenzo Ellul - - -	-- In compensation of damages sustained by him, in a piece of ground during the Blockade -	10	- -		
Salvatore Cammilleri - -	- ditto - ditto -	10	- -		
Gio. Franco Cachia - -	-- In compensation of his claim as a sharer in a Cutter, wrecked on service during the said Blockade -	7	10 -		
Pietro Attard - - -	- ditto - ditto -	7	10 -		
				744	10 -
Teodora Farrugia - - -	As a charitable allowance -	22	10 -		
Vincenzo and Veronica Schembri - -	- ditto - -	20	- -		
Rosina Mallia - - -	- ditto - -	20	- -		
Teresa Dou - - -	- ditto - -	20	- -		
Micheli Felici - - -	- ditto - -	20	- -		
Claudina Farrugia - -	- ditto - -	19	6 8		
Antonio Gatt - - -	- ditto - -	15	- -		
Giuseppe Falzon - - -	- ditto - -	15	- -		
Fedele Borg - - -	- ditto - -	15	- -		
Maddalena Schembri - -	- ditto - -	15	- -		
Orazio Aniato - - -	- ditto - -	15	- -		
Fra Emm ^{le} Castra - - -	- ditto - -	15	- -		
Barbara Micallef - - -	- ditto - -	15	- -		
Giuseppe Schembri - -	- ditto - -	12	- -		
Antonio Guja - - -	- ditto - -	12	- -		
Felice Caruana - - -	- ditto - -	10	- -		
Maddalina Schembri - -	- ditto - -	10	- -		
Giuliano Deguara - -	- ditto - -	10	- -		
Rosanna Chetenti - -	- ditto - -	10	- -		
Rajmondo Mallia - -	- ditto - -	10	- -		
Maria Grima - - -	- ditto - -	10	- -		
Paola Maistre - - -	- ditto - -	10	- -		
Giuseppe Borg - - -	- ditto - -	10	- -		
Gio. Battista Gonzi - -	- ditto - -	10	- -		
Salvatore Portelli - -	- ditto - -	10	- -		
Fra Lorenzo Barbara - -	- ditto - -	10	- -		
Margarita Dou - - -	- ditto - -	10	- -		
Giuseppe Matrenza - -	- ditto - -	10	- -		
D ^a Andrea Lautier - -	- ditto - -	10	- -		
Rosaria Preziosi - -	- ditto - -	10	- -		
Antonio Camilleri - -	- ditto - -	10	- -		
Gaspere Montanaro - -	- ditto - -	10	- -		
Alberto Montalto - -	- ditto - -	10	- -		
Pietro Rossini - - -	- ditto - -	10	- -		
Vincenza Borg - - -	- ditto - -	8	14 -		
Maria Xerri - - -	- ditto - -	8	14 -		
Giuseppe Cassar - - -	- ditto - -	8	13 4		
Fra Carlo Tonna - - -	- ditto - -	8	- -		
Guacchino Butragian - -	- ditto - -	8	- -		
D ^{to} Giuseppe Cassa - -	- ditto - -	8	- -		
Vittorio Deleo - - -	- ditto - -	8	- -		
Anna Grimaldi - - -	- ditto - -	8	- -		
Luico Bonnici - - -	- ditto - -	8	- -		
Colomba Coiri - - -	- ditto - -	8	- -		
Giulio Debono - - -	- ditto - -	8	- -		
Gio. Battista Reboul - -	- ditto - -	8	- -		
Giovanni Torneu - - -	- ditto - -	8	- -		
M ^a Angela Damato - -	- ditto - -	8	- -		
Antonio Zarb - - -	- ditto - -	8	- -		
Emm ^{le} Caruana - - -	- ditto - -	8	- -		
Francesco Busuttit - -	- ditto - -	8	- -		
Giuseppe Caruana - -	- ditto - -	8	- -		
Gio. Battista Ghiott - -	- ditto - -	8	- -		
Giuseppe Lasperanza - -	- ditto - -	8	- -		
D ^a Giovanni Attard - -	- ditto - -	8	- -		
Ignazio Savona - - -	- ditto - -	8	- -		
Carried forward - -		£.		2,800	17 -

No. 1.—LIST of all PENSIONS payable out of the Revenues of *Malta*, &c.—*continued*.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.	
		£. s. d.	£. s. d.
MALTESE INDIVIDUALS— <i>continued</i> .			
	Brought forward - -	- - -	2,800 17 -
Michele Savona - - -	As a Charitable Allowance - -	8 - -	
Matteo Matrinza - - -	ditto - - -	8 - -	
Stanislao Sammut - - -	ditto - - -	8 - -	
Stefano Borg - - -	ditto - - -	8 - -	
Vincenzo Grech - - -	ditto - - -	8 - -	
Gaetano Baldacchino - - -	ditto - - -	8 - -	
Gaetana Reboul - - -	ditto - - -	8 - -	
Maddalena Portelli - - -	ditto - - -	8 - -	
Vincenzo Loffreda - - -	ditto - - -	8 - -	
Rosa Xicluna - - -	ditto - - -	8 - -	
Anna M ^a Speranza - - -	ditto - - -	8 - -	
Francesca Salamone - - -	ditto - - -	7 10 -	
Giuseppe Mifsud - - -	ditto - - -	7 10 -	
Francesco Biancardi - - -	ditto - - -	7 10 -	
Marc' Ant ^o Ganado - - -	ditto - - -	7 10 -	
Romualdo Butragian - - -	ditto - - -	7 10 -	
Sac ^{te} Giuseppe Busuttit - - -	ditto - - -	7 10 -	
Maria Carbone - - -	ditto - - -	7 - -	
Luigi Emmanuele - - -	ditto - - -	6 10 -	
Maria Grech - - -	ditto - - -	6 - -	
Gaetano Dalli - - -	ditto - - -	6 - -	
Lucia Floriani - - -	ditto - - -	6 - -	
Bianca Mallia - - -	ditto - - -	6 - -	
Michele di Giovanni - - -	ditto - - -	6 - -	
Michele Buttigieg - - -	ditto - - -	6 - -	
Nicola Catania - - -	ditto - - -	6 - -	
Tommaso Cassar - - -	ditto - - -	6 - -	
Angelo Galea - - -	ditto - - -	7 10 -	
Antonia Micallef - - -	ditto - - -	7 10 -	
Paolo Galea - - -	ditto - - -	7 10 -	
Carlo Molinos - - -	ditto - - -	7 10 -	
Innocenza Ajcard - - -	ditto - - -	7 10 -	
Rosolea Carboni - - -	ditto - - -	7 10 -	
Maria Mamo - - -	ditto - - -	7 7 -	
Catarina Camilleri Regnaud - - -	ditto - - -	4 - -	
Catarina Camilleri - - -	ditto - - -	4 - -	
Pietro Paolo Sapiano - - -	ditto - - -	4 - -	
Sac ^{te} Giuseppe Grima - - -	ditto - - -	3 - -	
Anna M ^a Mifsud - - -	ditto - - -	3 - -	
Vincenzo Dimech - - -	ditto - - -	3 - -	
Rosa Fava - - -	ditto - - -	2 - -	
Dr G. Caruana Zerafa - - -	Retired Judge of the Court of Appeal - - -	100 - -	888 15 -
Dr Felice Cutayar - - -	„ Administrator of Public Property - - -	60 - -	
Paolo Rizzo - - -	„ Accatapano Maggiore - - -	50 - -	
Gio. Gaetano Franco - - -	„ Superintendent of the Government Printing Office - - -	40 - -	
Stefano Maistre - - -	„ Gran Visconte - - -	30 - -	
Gaetano P ^{lo} Formosa - - -	„ Clerk in the Custom House - - -	30 - -	
Giuseppe They - - -	„ Storekeeper in the University - - -	15 - -	
Carlo Azroppardo - - -	„ Professor of Mathematics - - -	28 6 8	
Gabriele Savona - - -	„ Distributor of Books in the Government Library - - -	25 - -	
The Not ^y Guis ^e Grillett - - -	„ Cancelliere of the University - - -	15 - -	
Michele Vassallo - - -	„ Dep ^y Luigi ^{te} at Casal Nayaro - - -	15 - -	
Gio. Maria Chetcuti - - -	„ Dep ^y Luigi ^{te} at Casal Musta - - -	15 - -	
Antonio Tinbroll - - -	„ Dep ^y Luigi ^{te} of the Gran Visconte - - -	15 - -	
Marcello Cochia - - -	„ Dep ^y Luigi ^{te} at Senglea - - -	10 - -	
The Sac ^{te} Giuseppe Caruana - - -	„ Compositor in the Government Printing Office - - -	10 - -	
Giucomo Monreal - - -	„ ditto - - -	10 - -	
Giovanni Grech - - -	„ Pressman in said Office - - -	10 - -	
Giovanni Cassar - - -	„ Dep ^y Luigi ^{te} at Casal Saffi - - -	10 - -	
Antonio Mallia - - -	„ Jurat at Gozo - - -	10 - -	
	Carried forward - - -	£.	3,689 12 -

No. 1.—LIST of all PENSIONS payable out of the Revenues of Malta, &c.—continued.

NAME.		REASON FOR THE GRANT.	YEARLY PENSION.					
MALTESE INDIVIDUALS—continued.			£.	s.	d.	£.	s.	d.
Brought forward - -			-	-	-	3,689	12	-
Gioacchino Pietrofila - -	-	Retired Apothecary in the Hos- pitals - - -	10	-	-			
Garsia Pisani - - -	-	„ Keeper of the Lighthouse - -	5	-	-			
The Noty F ^{co} Sar ^o Zammit -	-	„ Sub-Actuary in the Crimi- nal Court - -	2	-	-			
D ^r Luigi Gravagna - - -	-	For his Services in the Hospitals -	20	-	-			
D ^r Luigi Rigord - - -	-	As an ex Jesuit - - -	20	-	-			
Vincenzo Grech - - -	-	Retired from employment in the Marine Police - - -	5	-	-			
Gioacchino Hellini - - -	-	Superannuated Coachman in the Government Stables - -	10	-	-			
Giuseppe Hellini - - -	-	Superannuated Guardian in the Quarantine Department - -	15	-	-			
Giovanni Casano - - -	-	„ ditto - - -	15	-	-			
Francesco Micallef - - -	-	Superannuated Boatman in the Quarantine Department - -	10	-	-			
Michele Portelli - - -	-	„ ditto - - -	10	-	-			
Gio. Maria Abela - - -	-	„ ditto - - -	10	-	-			
Luigi Sammut - - -	-	„ ditto - - -	10	-	-			
Vittorio Zammit - - -	-	„ ditto - - -	10	-	-			
Giovanni Xicluna - - -	-	„ ditto - - -	10	-	-			
Francesco Grioli - - -	-	„ ditto - - -	10	-	-			
Pietro Spiteri - - -	-	„ ditto - - -	10	-	-			
Pasquale Portelli - - -	-	„ ditto - - -	10	-	-			
Felice Saliba - - -	-	„ ditto - - -	10	-	-			
Nicola Libreri - - -	-	Superannuated Porter in the Hos- pitals - - -	10	-	-			
Paolo Galea - - -	-	Superannuated Servant in the Hospitals - - -	10	-	-			
Andrea Micallef - - -	-	„ ditto - - -	10	-	-			
Giovanni Micallef - - -	-	„ ditto - - -	10	-	-			
Gio. Maria Duneo - - -	-	„ ditto - - -	9	-	-			
Paolo Ebejer - - -	-	„ ditto - - -	7	-	-			
Giuseppe Pace - - -	-	„ ditto - - -	7	-	-			
Rosolea Camilleri - - -	-	„ ditto - - -	6	5	-			
Alessandro Xicluna - - -	-	„ ditto - - -	5	-	-			
Antonio Nobili - - -	-	„ ditto - - -	5	-	-			
Giuseppe Gristi - - -	-	„ ditto - - -	5	-	-			
Felice Sammut - - -	-	„ ditto - - -	5	-	-			
Melchiorre Calleja - - -	-	„ ditto - - -	5	-	-			
Filippo Cassar - - -	-	„ ditto - - -	5	-	-			
Maria Asciach - - -	-	„ ditto - - -	5	-	-			
Marianna Farrugia - - -	-	„ ditto - - -	5	-	-			
Giuseppa Pizzuto - - -	-	Widow of a Judge - - -	30	-	-			
Vincenza Debono - - -	-	„ of a Surgeon in the Hos- pital - - -	10	-	-			
Marianna Xerri - - -	-	„ of a Gaoler - - -	5	-	-			
Teodora Camilleri - - -	-	„ of a Maestro di Piastra - -	5	-	-			
Graziulla Grech - - -	-	- - Daughter of a Labourer killed by an explosion in the Arsenal of the Ordnance - - -	4	-	-			
Rosa Allegrim - - -	-	- - Widow of a Captain in the late Maltese Provincial Battalion - -	10	-	-			
Maria Trapani - - -	-	- - Widow of an Officer in a late Maltese Corps - - -	9	-	-			
Donato Stefanucci - - -	-	- - Late Private in the R. M. Re- giment - - -	5	-	-			
						£.	887	11 8
NATIVES OF GREAT BRITAIN—							4,577	3 8
Sir William Keith Ball - -	-	In consideration of the meritorious Services of his late father, Sir A. Ball, Bart., as King's Civil Commissioner in Malta - -	600	-	-			
E. F. Chapman - - -	-	Retired Public Secretary and Treasurer - - -	700	-	-			
						£.	1,300	- -

Vin. Casolani,
Acting Treasurer to Government.

No. 2.—STATEMENT of ALTERATIONS in the PENSION LIST of *Malta*,
within the Year 1813.

NAME.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		£. s. d.
Fra Prospero Xuereb	- - - An increase to his former Pension of £. 30, as one of the Chaplains of the Order of St. John	20 - -
Suor Marianna Pinto	- - - ditto - - ditto - - of £. 12, granted to her by the Grand Master "Pinto"	3 - -
Giuseppe Said	- - - For services during the blockade of La Valletta	10 - -
Michel Angelo Damato	- - - ditto - - - - -	10 - -
Giuseppe Pisani	- - - ditto - - - - -	7 10 -
Vittoria Debono	- - - A charitable allowance - - - - -	15 - -
Firmina Castra	- - - ditto - - - - -	10 - -
Bartolomea Rizzo	- - - ditto - - - - -	5 - -
Alberto Montalto	- - - An increase to his former allowance of £. 10. -	5 - -
Costanza Gravagna	- - - Widow of a first Physician in the Hospitals, who died of the Plague - - - - -	50 - -
Giuseppa Mosu	- - - Widow of a Surgeon, who died as above - - - - -	10 - -
Francesca Pisani	- - - ditto - - - - -	10 - -
D ^r Angelo Ventùra	- - - Retired First Surgeon in the Hospitals - - - - -	30 - -
Modesta Schembri	- - - Widow of a Servant in the Government Palace - - - - -	7 10 -
To 4 Superannuated Labourers in the Hospitals	- - - - -	37 - -
	£.	230 - -
PENSIONS fallen in by death or otherwise, under £. 100	- - - - -	377 10 -
NET DECREASE	- - £.	147 10 -
NATIVE of GREAT BRITAIN.—New Pension:		
R. R. Wood	- - - In lieu of Emoluments, as Vendue Master - £.	1,000 - -

Vin. Casolani,
Acting Treasurer to Gov^t.

No. 3.—STATEMENT of ALTERATIONS in the PENSION LIST of *Malta*,
within the Year 1814.

NAME.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS TO MALTESE INDIVIDUALS, &c.		£. s. d.
Agostino Ghiott	- - - Late Instructor in the French Language of the younger Knights of the Order of St. John	12 - -
Giuseppe Regnaud	- - - Retired Chancellor in the Quarantine Dep ^t	83 6 8
D ^r Gio. Battista Vergottino	- - - „ Judge at Gozo - - - - -	60 - -
Gaetano Labatie	- - - „ Clerk in the Custom House - - - - -	60 - -
Gaetano Izzo	- - - „ ditto - - - - -	60 - -
Gia ^o B ^o Maurin	- - - „ ditto - - - - -	35 - -
Gio. Battista Grognett	- - - „ Commissary of the Streets - - - - -	50 - -
Fra Giovanni Mallia	- - - „ Director of the Government Printing Office - - - - -	50 - -
Maria Matrenza	- - - Widow of a Surgeon who died during the Plague - - - - -	10 - -
Maria and Margarita Micallef	- - - Orphan daughters of a Physician, who died as above - - - - -	10 - -
Felice Briffa	- - - In consideration of his father's services during the Plague - - - - -	8 - -
To 13 Superannuated Boatmen in the Quarantine Dep ^t	- - - - -	130 - -
	£.	568 6 8
PENSIONS fallen in by death or otherwise:		
Under £. 100	- - - - - £. 312 10 -	
D ^r Gius ^c Caruana Zerafa	- - - Retired Judge of the Court of Appeal 100 - -	412 10 -
NET INCREASE	- - £.	155 16 8

Vin. Casolani,
Acting Treasurer to Gov^t.

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No. 4.—STATEMENT of ALTERATIONS in the PENSION LIST of Malta,
within the Year 1815.

NAME.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		£. s. d.
Anna Assenza - - -	Widow of one of the Auditors of "Segnatura"	30 - -
Annunziata Tyzo - - -	" of a Clerk in the Custom House - -	10 - -
Catarina Lanfranco - - -	" of an " Accatapano Maggiore" - -	10 - -
Matilde Cassar - - -	" of a Physician in the Hospitals - -	10 - -
Fortunato Pace - - -	" of a Surgeon who died of Plague - -	7 - -
Francesca Savona - - -	" of a Porter of the suppressed " Consolato del Mare" - - - - -	7 - -
Giuseppe Tramblett - - -	- - Reduced Clerk in the Office of the Adminis- trators of Public Property - - - -	20 - -
Dr. Vincenzo Xuereb - - -	- - ditto - - - - ditto - - - -	20 - -
Antonio Parnis - - -	- - Retired Intendent of Marine Police - - (Consolidated with his former Pension of £. 10 for services during the Blockade)	10 - -
To 3 Superannuated " Agozzini" in the Great Prison - - - -		45 - -
		£. 169 - -
PENSIONS fallen in by death, or otherwise - - under £. 100 - -		207 - -
NET DECREASE - - £.		38 - -
NATIVE of GREAT BRITAIN—New Pension:		
The Rev. Francis Laing - - -	Retired Chief Secretary to Government -	300 - -
FOREIGNER—New Pension:		
Vittorio Barzoni - - -	Retired Editor of the Government Gazette -	100 - -

Vin. Casolani,
Acting Treasurer to Gov^t.

No. 5.—STATEMENT of ALTERATIONS in the PENSION LIST of Malta,
within the Year 1816.

NAME.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		£. s. d.
Fra Vincenzo Vella - - -	Chaplain of the Order of St. John of Jerusalem	30 - -
Giovanna Mizri - - -	For Services during the Blockade of La Valletta	7 - -
Maria Grima - - -	- - - ditto - - - - -	7 - -
Gio. M ^a Calleja - - -	- - - ditto - - - - -	7 - -
Paolo Saliba - - -	- - - ditto - - - - -	4 - -
D ^o Domenico Montanaro - - -	- - Retired Superintendent of the Government Post Office - - - - -	50 - -
Maria Camilleri - - -	Reduced Weaving Mistress in the Ospizio -	25 - -
		£. 130 - -
PENSIONS fallen in by death, or otherwise - - under £. 100 - -		381 - -
NET DECREASE - - £.		251 - -

Vin. Casolani,
Acting Treasurer to Gov^t.

No. 6.—STATEMENT of ALTERATIONS in the PENSION LIST of *Malta*,
within the Year 1817.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.		
		£.	s.	d.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.				
Chev' De Griesches	- - - Knight of the Order of St. John	58	-	-
To 88 Invalids discharged from late Maltese Corps	- - - - -	769	11	-
		£.	827	11 -
PENSIONS fallen in by death or otherwise	- - under £. 100.	255	4	-
	NET INCREASE	£.	572	7 -

Vin. Casolani,
Acting Treasurer to Gov^t.

No. 7.—STATEMENT of ALTERATIONS in the PENSION LIST of *Malta*,
within the Year 1818.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.		
		£.	s.	d.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.				
D ^o Saverio Thalamas	- - - Retired Clerk in the Office of the Adm ^{rs} of public property	30	-	-
Giuseppe Cammenzuli	- - - Retired Administrator of the C ^l Hospitals	30	-	-
D ^r Aurelio Badat	- - - " First Surgeon - ditto	30	-	-
D ^r Francesco Dimech	- - - " First Physician - ditto	20	-	-
Giuseppe They	- - - " Commissary - ditto	20	-	-
Giuseppe Schembri	- - - " " Lingiere" - ditto	20	-	-
Paolo Bernard	- - - " Administrator - ditto	12	10	-
Giuseppe Stivala	- - - " Assistant Surgeon - ditto	10	-	-
Claudio Borg	- - - - - ditto - ditto	10	-	-
Giuseppe Spiteri	- - - - - ditto - ditto	10	-	-
Vincenzo Camilleri	- - - " Assistant Apothecary ditto	7	10	-
Francesco Trigane	- - - Reduced Officer of late Maltese Corps	30	-	-
		£.	230	- -
PENSIONS fallen in by death or otherwise - - under £. 100.	- - -	421	12	8
	NET DECREASE - - -	£.	191	12 8

Vin. Casolani,
Acting Treasurer to Gov^t.

No. 8.—STATEMENT of ALTERATIONS in the PENSION LIST of *Malta*,
within the Year 1819.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.		
		£.	s.	d.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.				
Fra Luigi Maurin - - -	Chaplain of the Order of St. John - - -	30	-	-
Stefano Coen - - -	- - Increase to the Pension granted by the Order to his father Giuseppe, to be enjoyed by his successors, he having discovered a Revolt premeditated by the Slaves - - -	8	7	-
Vincenza Pace Coen - - -	The Niece of Gius ^e Coen - - ditto - - -	4	4	-
Giuseppe Pace Coen - - -	- - - ditto - - - ditto - - -	4	4	-

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No. 8.—STATEMENT of Alterations in the Pension List of *Malta*, &c.—continued.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
		£. s. d.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.—continued.		
Sir J ^h Borg Olivier - - -	-- Retired President of His Majesty's Court of Appeal - - -	208 7 -
Luigi Briffa - - -	-- Reduced Jurat of the "Universita" of La Valletta - - -	100 - -
G. Bonavita Champion - - -	Retired Inspector of the Gov ^t Printing Office - - -	83 7 -
Niccolo Scirita - - -	" Overseer of Corn in the Grain Dep ^t - - -	45 - -
Lorenzo Parnis - - -	" Messenger in the Grain Dep ^t - - -	22 10 -
Salvadore Dimech - - -	" - - ditto - - -	22 10 -
D. Emm ^{le} Lucano - - -	" Physician in the Hospitals - - -	20 - -
D ^r Giuseppe Dingli - - -	" - ditto - - ditto - - -	20 - -
D ^r Giov ⁱ Andreotti - - -	" Surgeon - - ditto - - -	20 - -
Antonio Castra - - -	" Assistant Surgeon, ditto - - -	20 - -
Filippo Pierini - - -	" - ditto - - ditto - - -	15 - -
Giuseppe Aguis Bonnici - - -	" Clerk in - - ditto - - -	15 - -
Lorenza Genuis - - -	late Servant in - - ditto - - -	8 - -
Gio. Antonio Aquilina - - -	-- Retired Clerk in the Office of the Intendant of Marine Police - - -	20 - -
Luigi Grillet - - -	" - - ditto - - -	15 - -
Claudio Camilleri - - -	-- Retired Assistant Chancellor of the "Universita" of La Valletta - - -	12 - -
Filippo Izzo - - -	-- Retired Assistant "Accatapano" in the Markets - - -	8 - -
To 7 Superannuated "Capitani di Notti & Visconti" attached to the Police - - -		47 10 -
PENSIONS fallen in by death or otherwise - - under £. 100. - - -		748 19 -
		203 13 -
NET INCREASE - - -	£.	545 6 -

Vin. Casolani,
Acting Treasurer to Gov^t.

No. 9.—STATEMENT of ALTERATIONS in the PENSION LIST of *Malta*, within the Year 1820.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
		£. s. d.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		
Fra Stefano Libreri - - -	-- Increase to his former Pension of £. 28, as one of the Chaplains of the Order of St. John - - -	2 - -
Giuseppe Cauchi - - -	-- In compensation for the loss of a Legacy bequeathed by the late Grand Master Rohan - - -	10 - -
Giuseppe Camilleri - - -	-- Discharged Administrator of public Property - - -	50 - -
D ^r Giuseppe Castra - - -	" Dep ^y Luogotenente at "Vittorioso" - - -	50 - -
Giovanni Castagna - - -	" - - ditto - - "Cospigua" - - -	50 - -
D ^r Teodoro V ^{ro} Bonnici - - -	" - - ditto - - "Senglea" - - -	40 - -
Giovanni Vidal - - -	" Clerk in the Great Prison - - -	21 10 -
Paolo Vidal - - -	" "Agozrino" - ditto - - -	10 - -
	£.	233 10 -
PENSIONS fallen in by death or otherwise - - under £. 100. - - -		403 14 8
NET DECREASE - - -	£.	170 4 8

Vin. Casolani,
Acting Treasurer to Gov^t.

No. 6.—STATEMENT of ALTERATIONS in the PENSION LIST of *Malta*,
within the Year 1817.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
		£. s. d.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		
Chev' De Griesches - - - Knight of the Order of St. John - - -		58 - -
To 88 Invalids discharged from late Maltese Corps - - -		769 11 -
		£. 827 11 -
PENSIONS fallen in by death or otherwise - - under £. 100. - - -		255 4 -
	NET INCREASE - - -	£. 572 7 -

Vin. Casolani,
Acting Treasurer to Gov^t.

No. 7.—STATEMENT of ALTERATIONS in the PENSION LIST of *Malta*,
within the Year 1818.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
		£. s. d.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		
D ^{co} Saverio Thalamas - - -	-- Retired Clerk in the Office of the Adm ^{rs} of public property - - -	30 - -
Giuseppe Cammenzuli - - -	Retired Administrator of the C ^l Hospitals - - -	30 - -
D ^r Aurelio Badat - - -	" First Surgeon - - ditto - - -	30 - -
D ^r Francesco Dimech - - -	" First Physician - - ditto - - -	20 - -
Giuseppe They - - -	" Commissary - - ditto - - -	20 - -
Giuseppe Schembri - - -	" "Lingiere" - - ditto - - -	20 - -
Paolo Bernard - - -	" Administrator - - ditto - - -	12 10 -
Giuseppe Stivala - - -	" Assistant Surgeon - - ditto - - -	10 - -
Claudio Borg - - -	- - - ditto - - ditto - - -	10 - -
Giuseppe Spiteri - - -	- - - ditto - - ditto - - -	10 - -
Vincenzo Camilleri - - -	" Assistant Apothecary ditto - - -	7 10 -
Francesco Trigane - - -	Reduced Officer of late Maltese Corps - - -	30 - -
		£. 230 - -
PENSIONS fallen in by death or otherwise - - under £. 100. - - -		421 12 8
	NET DECREASE - - -	£. 191 12 8

Vin. Casolani,
Acting Treasurer to Gov^t.

No. 8.—STATEMENT of ALTERATIONS in the PENSION LIST of *Malta*,
within the Year 1819.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
		£. s. d.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		
Fra Luigi Maurin - - -	Chaplain of the Order of St. John - - -	30 - -
Stefano Coen - - -	-- Increase to the Pension granted by the Order to his father Giuseppe, to be enjoyed by his successors, he having discovered a Revolt premeditated by the Slaves - - -	8 7 -
Vincenza Pace Coen - - -	The Niece of Gius ^c Coen - - ditto - - -	4 4 -
Giuseppe Pace Coen - - -	- - - ditto - - ditto - - -	4 4 -

No. 8.—STATEMENT of Alterations in the Pension List of Malta, &c.—continued.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
		£. s. d.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.—continued.		
Sir J ^h Borg Olivier - - -	-- Retired President of His Majesty's Court of Appeal - - -	208 7 -
Luigi Briffa - - -	-- Reduced Jurat of the "Universita" of La Valletta - - -	100 - -
G. Bonavita Champion - - -	Retired Inspector of the Gov ^t Printing Office - - -	83 7 -
Niccolo Sciritra - - -	" Overseer of Corn in the Grain Dep ^t - - -	45 - -
Lorenzo Parnis - - -	" Messenger in the Grain Dep ^t - - -	22 10 -
Salvadore Dimech - - -	" ditto - - -	22 10 -
D. Emm ^{le} Lucano - - -	" Physician in the Hospitals - - -	20 - -
D ^r Giuseppe Dingli - - -	" ditto - - ditto - - -	20 - -
D ^r Giov ⁱ Andreotti - - -	" Surgeon - - ditto - - -	20 - -
Antonio Castra - - -	" Assistant Surgeon, ditto - - -	20 - -
Filippo Pierini - - -	" ditto - - ditto - - -	15 - -
Giuseppe Aguis Bonnici - - -	" Clerk in - - ditto - - -	15 - -
Lorenza Genuis - - -	late Servant in - - ditto - - -	8 - -
Gio. Antonio Aquilina - - -	-- Retired Clerk in the Office of the Intendant of Marine Police - - -	20 - -
Luigi Grillet - - -	" ditto - - -	15 - -
Claudio Camilleri - - -	-- Retired Assistant Chancellor of the "Universita" of La Valletta - - -	12 - -
Filippo Izzo - - -	-- Retired Assistant "Accatapano" in the Markets - - -	8 - -
To 7 Superannuated "Capitani di Nottl & Visconti" attached to the Police - - -		47 10 -
PENSIONS fallen in by death or otherwise - - under £. 100. - - -		748 19 -
	NET INCREASE - - - £.	203 13 -
		545 6 -

Vm. Casolani,
Acting Treasurer to Gov^t.

No. 9.—STATEMENT of ALTERATIONS in the PENSION LIST of Malta, within the Year 1820.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
		£. s. d.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		
Fra Stefano Libreri - - -	-- Increase to his former Pension of £. 28, as one of the Chaplains of the Order of St. John - - -	2 - -
Giuseppe Cauchi - - -	-- In compensation for the loss of a Legacy bequeathed by the late Grand Master Rohan - - -	10 - -
Giuseppe Camilleri - - -	-- Discharged Administrator of public Property - - -	50 - -
D ^r Giuseppe Castra - - -	" Dep ^y Luogotenente at "Vittorioso" - - -	50 - -
Giovanni Castagna - - -	" ditto - "Cospiqua" - - -	50 - -
D ^r Teodoro V ^{ro} Bonnici - - -	" ditto - "Senglea" - - -	40 - -
Giovanni Vidal - - -	" Clerk in the Great Prison - - -	21 10 -
Paolo Vidal - - -	" "Agozrino" - ditto - - -	10 - -
	£.	233 10 -
PENSIONS fallen in by death or otherwise - - under £. 100. - - -		403 14 8
	NET DECREASE - - - £.	170 4 8

Vm. Casolani,
Acting Treasurer to Gov^t.

No. 10.—STATEMENT of ALTERATIONS in the PENSION LIST of Malta,
within the Year 1821.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		£. s. d.
Cav ^{re} Gio. Parisio Moscati	-- Increase to his former Pension of £. 28., as one of the Knights of the Order of St. John of Jerusalem	60 - -
Tommaso Cassar	-- Increase to his Charitable Allowance of £. 6.	9 - -
Vincenzo Palmer	-- Reduced Surveyor of Cotton Yarn in the Custom House	40 - -
Antonia Zarb	-- Widow of a Clerk in the said Department	15 - -
Paolo Micallef	-- For Services in the Università of La Valletta and in the Government Stables	15 - -
Eleonora Gravagna	-- Daughter of a late Storekeeper in the Civil Arsenal	10 - -
Annunziata Camilleri	-- Daughter of a Person accidentally killed in the Service of Government	7 10 -
To 2 superannuated Visconti	Attached to the Police	10 - -
Gio. Carlo Galea	Reduced Officer of late Maltese Corps	20 - -
To 24 Invalids discharged from the R. M. F. Regiment		192 3 -
	£.	378 13 -
PENSIONS fallen in by death or otherwise,—under £. 100		115 17 -
NET INCREASE		£. 262 16 -

Vin. Casolani,
Acting Treasurer to Gov^t.

No. 11.—STATEMENT of ALTERATIONS in the PENSION LIST of Malta,
within the Year 1822.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		£. s. d.
Chevalier De Greisches	-- Increase to his Pension of £. 58, as one of the Knights of the Order of St. John	42 - -
Antonio Casolani	Reduced Administrator of Public Property	140 - -
Rajmondo Zammit	" Commissary of the Streets	50 - -
The Notary Antonio Psajla	" Registrar of suppressed Court of Magistrates of 2d District	30 - -
Vincenzo Farrugia	" Surgeon of the Great Prison	20 - -
Fra Michel Angelo Spiteri	" Chaplain in the Hospitals	15 - -
Marianna L'Hoste	" "Ospedaliara" in charge of Foundlings	8 - -
Paolo Micallef	-- Increase to his Pension of £. 15, for Services in the Università and in the Government Stables	10 - -
Guiseppe Attard	-- Late "Capitano di notte," attached to the Police	2 10 -
To 20 Discharged Labourers of the Grain Department		157 10 -
Enrico Balbi	Reduced Officer of late Maltese Corps	10 16 8
Silvestro Castra	" ditto	6 - -
Pietro Chinzi	" ditto	6 - -
	£.	497 16 8
PENSIONS fallen in by death or otherwise,—under £. 100		298 10 4
NET INCREASE		£. 199 6 4
NATIVES OF GREAT BRITAIN.—New Pension.		
James Toole	Retired Auditor of Accounts	91 6 -
PENSION fallen in by death.		
E. F. Chapman	Retired Chief Secretary and Treasurer	700 - -
NET DECREASE		£. 608 14 -

Vin. Casolani,
Acting Treasurer to Gov^t.

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No. 12.—STATEMENT of ALTERATIONS in the PENSION LIST of Malta,
within the Year 1823.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		£. s. d.
Fra Carlo Sion - - -	Chaplain of the Order of St. John - - -	5 - -
Rosina Bouchut - - -	For Services under the said Order - - -	5 - -
Antonio Sammut - - -	-- In compensation of a Mezranino, under the Albergo di Spagna - - -	5 - -
Francesco Tortell, senior - - -	A Charitable Allowance - - -	15 - -
Sir B. C. Xerri - - -	Retired Auditor of the " Segnatura " - - -	160 - -
Sir J ^h N. Zammit - - -	Retired - - ditto - - -	160 - -
Francesco Arena - - -	Discharged Clerk in the Grain Store - - -	50 - -
Gio. Carlo Marno - - -	" Storekeeper - ditto - - -	30 - -
Aloisio Ricaud - - -	" ditto - ditto - - -	30 - -
Giovanni Chetcuti - - -	" ditto - ditto - - -	25 - -
Giuseppe Abela - - -	" ditto - ditto - - -	20 - -
Nicola Camilleri - - -	" Intendant of Marine Police - - -	15 - -
Dr. Vincenzo Mazra - - -	-- Retired Clerk in the Office of the late Administrators of Public Property - - -	15 - -
Agostino Sajd - - -	-- Retired Deputy " Luogotenento " at Casal, " Zabbar " (consolidated with his former Pension of £. 20, for Services during the blockade - - -	10 - -
The Notary Fran. Sar. Zarb - - -	-- Retired - ditto - at Casal " Attard " ditto of £. 15 - - -	10 - -
Giuseppe Lorferta - - -	Retired Messenger in the Excise Office - - -	10 - -
Garsia Pisani - - -	-- Increase to his Pension as late Keeper of the Light-house - - -	7 10 -
Andrea Farrugia - - -	-- Superannuated " Capitano di Notte," attached to the Police - - -	5 - -
Salvatore Gettel - - -	Discharged Officer of late Maltese Corps - - -	10 - -
Francesco Gauri - - -	- - - ditto - - -	8 - -
Lorenzo Villa - - -	- - - ditto - - -	8 - -
Pietro Manuelli - - -	- - - ditto - - -	6 - -
Pietro Chinzi - - -	- - - ditto (increase to his Pension of £. 6 - - -	4 - -
Grazia Zatera - - -	-- Widow of a Private of the R. M. Fencibles, who was killed in the execution of his duty - - -	10 - -
To 8 Invalids discharged from the R. M. F. Regiment - - -	- - -	47 16 -
		£. 671 6 -
PENSIONS fallen in by death or otherwise,—		
Under £. 100 - - -	- - - £. 304 2 -	
Sir J ^h N. Zammit - - -	Return Auditor of the " Segnatura " 160 - -	464 2 -
NET INCREASE - - - £.		207 4 -
NATIVE OF GREAT BRITAIN—New Pension.		
The Rev. T. Laing - - -	-- Increase to his Pension of £. 300 as retired Chief Secretary - - -	100 - -
Vin. Casolani,		Acting Treasurer to Gov ^t .

No. 13.—STATEMENT of ALTERATIONS in the PENSION LIST of Malta,
within the Year 1824.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		£. s. d.
To 31 Chaplains of the Order of St. John, from £. 30 to £. 40 each - - -	- - -	310 - -
Antonio Sammut - - -	-- An increase to his Pension of £. 5, in compensation of a Mizranino he enjoyed free-rent under the said Order - - -	8 7 -
Marianna Chicari - - -	A charitable Allowance - - -	8 - -
Teresa Zerafa - - -	- - - ditto - - -	5 - -

No. 13.—STATEMENT of Alterations in the Pension List of *Malta*, &c.—*continued*.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS TO MALTESE INDIVIDUALS, &c.— <i>continued</i> .		£. s. d.
Clemente Mifsud - - -	Retired Clerk in the Marine Police - - -	37 10 -
Daniele Brodett - - -	" Clerk in the Foundling Hospitals - - -	30 - -
Gio. Niccoli Gauci - - -	" Clerk in the Hospitals - - -	15 - -
Giuseppe Vella - - -	For Services in the Government Stables - - -	15 - -
Lorenzo Rizzo - - -	Retired Storekeeper in the Grain Department - - -	15 - -
Dr. R. F. Vassallo - - -	" Poor's Advocate - - -	12 10 -
Ignazio Balzan - - -	Reduced Officer of late Maltese Corps - - -	20 - -
Giuseppe Fabri - - -	- - ditto - - -	20 - -
Gio. Francesco Catayar - - -	- - ditto - - -	20 - -
Gioacchino Theij - - -	- - ditto - - -	20 - -
Salvadore Mamo - - -	- - ditto - - -	20 - -
Giuseppe Vidal - - -	- - ditto - - -	18 - -
Rajmondo Vella - - -	- - ditto - - -	15 - -
Antonio Muscat - - -	- - ditto - - -	15 - -
Salvatore Azeppardi - - -	- - ditto - - -	15 - -
Antonio Demellos - - -	- - ditto - - -	12 10 -
Lucrezio Metropoli - - -	- - ditto - - -	12 10 -
Gio. Battista Bornici - - -	- - ditto - - -	12 10 -
Francesco Grech - - -	- - ditto - - -	12 - -
Gio. Battista Desalvo - - -	- - ditto - - -	12 - -
Emmanuele Caruano - - -	- - ditto - - -	12 - -
Lorenzo Vella - - -	- - ditto - (Increase to his Pension, of £.8.)	12 - -
Francesco Gauci - - -	- - ditto - - ditto - - - 8.	12 - -
Salvatosi Gellert - - -	- - ditto - - ditto - - - 10.	10 - -
Pietro Chinzi - - -	- - ditto - - ditto - - - 10.	10 - -
Enrico Balbi - - -	- - ditto - - ditto - £. 10. 16. 8.	9 3 4
Pietro Manuelli - - -	- - ditto - - ditto - - - 6.	6 10 -
Silvestro Castra - - -	- - ditto - - ditto - - - 6.	6 10 -
Fra Ant. Baldanhino - - -	Retired Chaplain of above Corps - - -	15 - -
PENSIONS fallen in by death or otherwise,—		766 - 4
Under £. 100.- - - -	- - - - - £. 338 5 -	
Antonio Casolani - - -	-- One of the Administrators of Public Property - - - 140 - -	478 5 -
NET INCREASE - - - £.		287 15 4

Vin. Casolani,
Acting Treasurer to Govt.

No. 14.—STATEMENT of ALTERATIONS in the PENSION LIST of *Malta*, within the Year 1825.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS TO MALTESE INDIVIDUALS, &c.		£. s. d.
Fra Saverio Vella - - -	Chaplain of the Order of St. John - - -	20 - -
Fra Lorenzo Rezzo - - -	- - ditto - - -	10 - -
Sir R. C. Xerri - - -	- - An increase to his Pension of £. 160, as Retired Auditor of "Signatura," and Member of the Supreme Council of Justice - - -	140 - -
Giuseppe Farrugia - - -	Retired Apothecary in the Hospitals - - -	40 - -
Dr. Francesco Buttigieg - - -	" Professor of Midwifery in the Hospitals - - -	35 - -
Giovanni Aggius - - -	" "Capo Maestro" for Windmills - - -	30 - -
Francesco Bugeja - - -	" Head Carpenter in the Civil Arsenal - - -	20 - -
Lorenzo Micallef - - -	" Overseer of the Government Pontoons - - -	20 - -
Sac ^t Luigi Camilleri - - -	-- As a reward for pecuniary Services, in establishing School, &c. for the education and promotion of industry among the poor classes - - -	30 - -

No. 14.—STATEMENT of Alterations in the Pension List of *Malta*, &c.—*continued*.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.— <i>continued</i> .		£. s. d.
Maria Regnaud - - -	-- Widow of a First Clerk of the Quarantine Department - - -	25 - -
Gesuarda Vergottino - - -	Widow of a Judge at Gozo - - -	15 - -
Dr. R. F. Vassallo - - -	-- Increase to his Pension of £.12. 10., as Retired Poor's Advocate - - -	17 10 -
Michelina Galea - - -	Widow of a Captain in the R. M. F. Regiment - - -	20 - -
Benvinuta Cararra - - -	ditto of a Lieutenant - - ditto - - -	15 - -
		£. 437 10 -
PENSIONS fallen in by death or otherwise - - Under £. 100. - -		332 2 8
NET INCREASE - - - £.		105 7 4
NATIVE of GREAT BRITAIN - - New Pension.		
Dr. Robert Grieves - - -	Retired Superintendent of Quarantine - - -	365 - -

Vin. Casolani,
Acting Treasurer to Govt.

No. 15.—STATEMENT of ALTERATIONS in the Pension List of *Malta*, within the Year 1826.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		£. s. d.
Odoardo Montanaro - - -	-- Retired First Clerk in the Quarantine Department (consolidated with his former Pension of £. 8. for Services under the Order) - - -	72 - -
Antonio Sammut - - -	A charitable Allowance - - -	21 - -
Emmanuela Savono - - -	Widow of a Clerk in the Vendue Office - - -	21 - -
Michelina Galea - - -	-- Increase to her Pension of £. 20, as Widow of a Captain in the R. M. F. Regiment - - -	12 - -
Benvenuta Cararra - - -	- - ditto - of £. 15. as Widow of a Lieutenant - - -	11 - -
To 4 Quartermaster Serjeants and a Clerk of the Disembodied Malta Militia - -		27 10 -
To 51 Invalids, discharged from the R. M. F. Regiment - - -		295 - -
		£. 459 10 -
PENSIONS fallen in by death or otherwise - - Under £. 100 - -		241 7 -
NET INCREASE - - - £.		218 3 -

Vin. Casolani,
Acting Treasurer to Govt.

No. 16.—STATEMENT of ALTERATIONS in the Pension List of *Malta*, within the Year 1827.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSION to a MALTESE INDIVIDUAL:		£. s. d.
Dr. Vincenzo Bonavita - - -	Retired, one of His Majesty's Judges - - -	300 - -
PENSIONS fallen in by death or otherwise - - Under £. 100. - -		398 4 -
NET DECREASE - - - £.		98 4 -
NATIVE of GREAT BRITAIN - - New Pension:		
Frederick Ross - - -	-- Reduced Registrar of Public Registry Office, } until re-employed - - -	60 15 9

Vin. Casolani,
Acting Treasurer to Govt.

No. 17.—STATEMENT of ALTERATIONS in the PENSION LIST of *Malta*,
within the Year 1828.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.:		£. s. d.
Vincenzo Tonna - - -	Retired Assistant Physician in the Hospitals -	13 6 6
Guiseppe Fabri - - -	-- Increase to his Pension of £. 20, as discharged Officer of late Maltese Corps - - -	40 - -
Paolo Ellul - - -	-- Reduced Captain of the R. M. F. Regiment (until re-employed) - - -	91 6 -
Antonio Mattei - - -	Reduced Lieutenant - - ditto - - -	45 13 -
Luigi Consolat - - -	„ Ensign - - - ditto - - -	36 10 -
To 64 Invalids discharged from the R. M. F. Regiment - - -		539 12 6
		£. 766 8 -
PENSIONS fallen in by death, or otherwise,—		
Under £. 100 - - -	- - - - - £. 369 12 3	
Luigi Briffa - - -	-- Reduced Jurat of the “Universita” of La Valletta - - - } 100 - -	469 12 3
NET INCREASE - - - £.		296 15 9
NATIVE OF GREAT BRITAIN - - Pension fallen in:		
Dr. Robert Grieves (died) -	Retired Superintendent of Quarantine - -	365 - -

Vin. Casolani,

Acting Treasurer to Gov^t.

No. 18.—STATEMENT of ALTERATIONS in the PENSION LIST of *Malta*,
within the Year 1829.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.:		£. s. d.
Dr. Emm ^{le} Gravagna - -	Assessor in the suppressed Episcopal Court -	24 - -
Saverio Vassallo - - -	Actuary - - - ditto - - -	20 - -
Ignazio Bajada - - -	- ditto - - - ditto - - -	13 6 -
Dr. Antonio Pullicino - -	Poor's Advocate - - ditto - - -	10 - -
Dr. Antonio Zerafa - - -	Pro-Fiscale - - - ditto - - -	8 - -
Giovanni Micallef - - -	Clerk - - - - - ditto - - -	12 - -
Giuseppe Zammit - - -	ditto - - - - - ditto - - -	10 - -
Giovanni Camilleri - - -	ditto - - - - - ditto - - -	10 - -
Emmanuele Corsona - - -	ditto - - - - - ditto - - -	6 13 -
To 6 “Alarj” attached to the said suppressed Court - - -		68 10 -
		£. 182 9 -
PENSIONS fallen in by death or otherwise,—		
Under £. 100 - - -	- - - - - £. 424 7 9	
Dr. Vincenzo Bonarita - -	Retired, one of H. M.'s Judges - 300 - -	724 7 9
NET DECREASE - - - £.		541 18 9

Vin. Casolani,

Acting Treasurer to Gov^t.

No. 19.—STATEMENT of ALTERATIONS in the PENSION LIST of Malta,
within the Year 1830.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		£. s. d.
To 4 old Invalids, "Piazzanti," transferred from the Civil Hospitals - - -		60 16 -
PENSIONS fallen in by death or otherwise - - Under £. 100 - - -		461 4 3
NET DECREASE - - - £.		400 8 3
NATIVE OF GREAT BRITAIN - - Pension fallen in:		
James Toole (died) - - -	Retired Auditor of Accounts - - -	91 6 -

Vin. Casolani,
Acting Treasurer to Gov^t.

No. 20.—STATEMENT of ALTERATIONS in the PENSION LIST of Malta,
within the Year 1831.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSION to a MALTESE INDIVIDUAL:		£. s. d.
Dr. Stefano Grillet - - -	Retired First Physician of the Civil Hospitals -	90 - -
PENSIONS fallen in by death or otherwise:		
Under £. 100 - - -	- - - - - £. 384 11 6	
Sir J ^h Borg. Olivier - - -	-- Retired President of His Majesty's Court of Appeal - - -	208 7 -
NET DECREASE - - - £.		592 18 6
		502 18 6

Vin. Casolani,
Acting Treasurer to Gov^t.

No. 21.—STATEMENT of ALTERATIONS in the PENSION LIST of Malta,
within the Year 1832.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.:		£. s. d.
Gio. Battista Schembri - - -	-- Retired Captain of the Port in the Quarantine Department [until re-employed] - - -	100 - -
Fra Paolo Pace - - -	-- Retired Book-keeper in the Land Revenue Office - - -	40 - -
Pasquale Regnaud - - -	Retired Clerk in the Office of Judicial Receipts	40 - -
Giovanni Onofrio - - -	Widow of a Registrar of the Courts of Justice -	40 - -
Teresa Mallia - - -	„ of an Adjutant of Police at Gozo -	20 - -
Francesco Romolo - - -	Late Boatman in the Marine Police - - -	20 - -
Pietro Micallef - - -	„ Porter in the Treasury - - -	15 - -
To 4 Serjeants of Police and a "Visconte" - - -		66 9 -
To 2 Guardians in the Prisons - - -		21 - -
		£. 362 9 -
PENSIONS fallen in by death or otherwise - - under £. 100 - - -		190 8 -
NET INCREASE - - - £.		172 1 -

Vin. Casolani,
Acting Treasurer to Gov^t.

No. 22.—STATEMENT of ALTERATIONS in the PENSION LIST of Malta,
within the Year 1833.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		£. s. d.
Sir G. C. Debono - - -	Retired, one of His Majesty's Judges - -	300 - -
Lorenzo Grech - - -	" Accountant of the Government Treasury - -	75 - -
Dr. Fortunato Mizzi - -	" Secretary to the Lieut.-Governor at Gozo - -	45 - -
Dr. D ^o Emm ^{le} Rosignaud - -	Late Vicar-General of the suppressed Episcopal Court - - -	40 - -
Gio. Battista Decandia - -	- - Retired Pressman in the Government Printing-office - - -	25 - -
Saverio Schembri - - -	- - Reduced Guardian in the suppressed Vendue Office - - -	20 12 -
The Children of the late Dr. Nicolo Letard.	- - In consideration of their father's services as one of the Magistrates of Judicial Police [for 10 years, from 25th August 1831] - - -	35 - -
Ignazio Sammut - - -	Late Guardian in the Great Prison - - -	15 - -
To 2 Superannuated Boatmen of the Marine Police - - -	- - -	32 - -
To 4 - ditto - Guardians of the Quarantine Department - - -	- - -	80 - -
Lieut.-Colonel Parisio - -	Military Retirement - - -	91 6 -
		£. 758 18 -
PENSIONS fallen in by death or otherwise - - Under £. 100 - -		255 19 9
NET INCREASE - - - £.		502 18 3
NATIVES of GREAT BRITAIN—New Pensions:		
Sir Richard Plasket - - -	Retired Chief Secretary to Government - -	300 - -
George Dalzel - - -	Late Deputy Vendue Master - - -	45 - -
[Until re-employed.]		
		£. 345 - -

Vin. Casolani,

Acting Treasurer to Gov^t.

No. 23.—STATEMENT of ALTERATIONS in the PENSION LIST of Malta,
within the Year 1834.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.
NEW PENSIONS to MALTESE INDIVIDUALS, &c.		£. s. d.
Gio. Ant ^o Micallef - - -	Chaplain of the Order of St. John - - -	40 - -
Luigi Ricca - - -	Retired Clerk in the Government Post Office - -	60 - -
Simone Arminio - - -	" Gauger in the Excise Office - -	25 - -
Gioacchino Rossi - - -	" Assistant in the Office of Intendant of Marine Police - - -	77 3 -
Fra Girolamo Inglott - -	" Rector of the University of Literature - -	50 - -
Can ^{le} Vincenzo Pisani - -	" Master of Rudiments - - ditto - -	18 - -
William Hoskins - - -	" Master of English Language, ditto - -	16 - -
Can ^{le} Michele Seychel - -	" Master of Latin Language } ditto - -	15 - -
	(Upper Class)	
Can ^{le} Michel Ang ^{le} Farrugia -	" Ditto - - (Lower Class) ditto - -	10 - -
Can ^{le} Paolo Busuttit - -	" Professor of Rhetoric - - ditto - -	12 16 -
Fra Feliciano Falzon - -	" Prefect - - - ditto - -	10 - -
		£. 333 19 -
PENSIONS fallen in by death or otherwise:		
Under £. 100 - - -	- - - £. 361 8 -	
Chev. de Greischés - - -	Knight of the Order of St. John 100 - -	461 8 -
NET DECREASE - - - £.		127 9 -

Vin. Casolani,

Acting Treasurer to Gov^t.

No. 24.—LIST of all PENSIONS payable out of the REVENUES of Malta, as they stood on the 31st December 1834.

NAME.	REASON FOR THE GRANT.	YEARLY PENSION.	
MALTESE INDIVIDUALS [including Knights and other Members of the Order of St. John of Jerusalem.]		£. s. d.	£. s. d.
CIVIL.			
Cav ^{re} Gio. Parisio Moscati	- Knight of the Order of St. John -	88 - -	
Cav ^{re} Formoso de Fremeaux	- - ditto - - - -	40 - -	
Chev ^r de Beaumont	- - ditto - - - -	25 - -	
Fra Baldassare Scolaro	- - Chaplain of the said Order -	40 - -	
Fra Emmanuele Borg	- - ditto - - - -	40 - -	
Fra Francesco Attard	- - ditto - - - -	40 - -	
Fra Filippo Farrugia	- - ditto - - - -	40 - -	
Fra Gregorio Castra	- - ditto - - - -	40 - -	
Fra Gio. Battista Baudoin	- - ditto - - - -	40 - -	
Fra Giuseppe Arena	- - ditto - - - -	40 - -	
Fra Salvatore Naudi	- - ditto - - - -	40 - -	
Fra Luigi Assenza	- - ditto - - - -	40 - -	
Fra Michel Angelo Gatt	- - ditto - - - -	40 - -	
Fra Paolo De Bertis	- - ditto - - - -	40 - -	
Fra Gioacchino They	- - ditto - - - -	40 - -	
Fra Vincenzo Vella	- - ditto - - - -	40 - -	
Giuseppe Ellul	- - ditto - - - -	40 - -	
Emmanuele Vella	- - ditto - - - -	40 - -	
Vincenzo Alessi	- - ditto - - - -	40 - -	
Gio. Ant ^o Micallef	- - ditto - - - -	40 - -	
Fra Innocenzo Tanti	- - For Services under the said Order	7 10 -	
Fra Carlo Sion	- - ditto - - - -	5 - -	
Giuseppe Mallia	- - ditto - - - -	5 - -	
Rosina Bouchut	- - ditto - - - -	5 - -	
Antonio Sammut	- - -- In lieu of Lodging rent-free in the "Auberge d'Espagne," as a Donato of the same Order -	13 7 -	
Frederico Dimech	- - -- Ditto - ditto, in the "Auberge d'Allemagne" -	8 7 -	
The Heirs of the late Stefano Coen.	- - -- Granted by the Order to his father Giuseppe, to be enjoyed by his successors, he having discovered a revolt premeditated by the slaves -	20 17 -	
Vincenza Pace Coen	- - Niece of Gius ^e Coen, ditto - ditto	10 9 -	
Giuseppe Pace Coen	- - - ditto - - - ditto -	10 9 -	
Giuseppa Menville	- - -- In lieu of Interest claimed on a Capital invested on the Treasury of the Order of St. John, by her late uncle, Fra Raymondo Menville -	10 - -	
Francesca Doublesin	- - -- ditto - ditto - invested as above by the Commander St. Felix	8 - -	
D ⁿ Emmanuele Ruaud	- - -- For Services during the Blockade of the Vallette -	60 - -	936 19 -
The Notary Pietro Buttigieg	- - ditto - - - -	25 - -	
Gaetano Balzan	- - ditto - - - -	20 - -	
Salvatore Libreri	- - ditto - - - -	15 - -	
Giuseppe Frendo	- - ditto - - - -	15 - -	
Maria Rebout	- - ditto - - - -	15 - -	
Maria Teresa Pulis	- - ditto - - - -	13 10 -	
Andrea Attard	- - ditto - - - -	12 10 -	
Lorenzo Castra	- - ditto - - - -	12 - -	
Giorgio Bonavia	- - ditto - - - -	10 - -	
Giuseppe Bonavia	- - ditto - - - -	10 - -	
The Sac. Fortunato Dalli	- - ditto - - - -	10 - -	
Pietro Pace	- - ditto - - - -	8 - -	
Alessandro Damato	- - ditto - - - -	8 - -	
Giuseppe Xicluna	- - ditto - - - -	8 - -	
Giuseppe Pisani	- - ditto - - - -	7 10 -	
Carried forward		- - £.	936 19 -

No. 24.—LIST of all PENSIONS payable out of the REVENUES of Malta, &c.—continued.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.	
MALTESE INDIVIDUALS—continued.			
CIVIL—continued.	Brought forward - -	£. s. d.	£. s. d.
Maria Grima - - - -	-- For services during the Blockade of La Valletta - - - -	- - -	936 19 -
Giovanna Mizzi - - - -	- - ditto - - - -	7 - -	
Gio. Maria Calleja - - - -	- - ditto - - - -	7 - -	
Giacomo Barbara - - - -	- - ditto - - - -	2 - -	
Agostino Brincat - - - -	- - ditto - - - -	2 - -	
Sisters Vella - - - -	-- Their brother having been shot by the French, being implicated in a conspiracy against them - -	20 - -	
Salvatore Camilleri - - - -	-- In compensation of damages sustained by him in a piece of ground at Sliema during the said Blockade - - - -	10 - -	
Rosina Mallia - - - -	As a charitable Allowance - -	20 - -	304 10 -
Paolo Cachia - - - -	- - ditto - - - -	15 4 -	
Giuseppe Falzon - - - -	- - ditto - - - -	15 - -	
Maddalena Schembri - - - -	- - ditto - - - -	15 - -	
Giuliano Deguara - - - -	- - ditto - - - -	10 - -	
Rosanna Chetcuti - - - -	- - ditto - - - -	10 - -	
Rajmondo Mallio - - - -	- - ditto - - - -	10 - -	
Vincenza Borg - - - -	- - ditto - - - -	8 14 -	
Maddalena Portelli - - - -	- - ditto - - - -	8 - -	
Marianna Chicaci - - - -	- - ditto - - - -	8 - -	
Angelo Galea - - - -	- - ditto - - - -	7 10 -	
Paolo Galea - - - -	- - ditto - - - -	7 10 -	
Carlo Molinos - - - -	- - ditto - - - -	7 10 -	
Rosolea Carbone - - - -	- - ditto - - - -	7 10 -	
Maria Marfo - - - -	- - ditto - - - -	7 7 -	
Teresa Zerafa - - - -	- - ditto - - - -	5 - -	
Maria Grech - - - -	- - ditto - - - -	6 - -	
Caterina Camilleri Regnaud - - - -	- - ditto - - - -	4 - -	
Sir R. C. Xerri - - - -	-- Retired Auditor of the Segnatura, and Member of the Supreme Council of Justice - - - -	300 - -	172 5 -
Sir G. C. Debono - - - -	-- Retired one of His Majesty's Judges, and Member of the Supreme Council of Justice - - - -	300 - -	
Gio. Batta Schembri - - - -	-- Relieved Captain of the Quarantine Port (until re-employed) - -	100 - -	
D ^r Stefano Grillet - - - -	-- Retired First Physician of the Civil Hospitals - - - -	90 - -	
G. Bonavita Champion - - - -	-- Retired Inspector of the Government Printing Office - -	83 7 -	
Odoardo Montanaro - - - -	-- Retired First Clerk of the Health Office - - - -	80 - -	
Lorenzo Grech - - - -	-- Retired Accountant in the Treasury - - - -	75 - -	
Luigi Ricca - - - -	-- Retired First Clerk in the Government Post Office - -	60 - -	
Giovanni Castagna - - - -	-- Reduced Deputy Luog ^{te} at Cospicua - - - -	50 - -	
Rajmondo Zammit - - - -	Reduced Commissary of the Streets - - - -	50 - -	
D ^{ic} Domenico Montanaro - - - -	-- Reduced Superintendent of the Government Post Office - -	50 - -	
D ^r Fortunato Mizzi - - - -	-- Retired Secretary to the Lieutenant Governor of Gozo - -	45 - -	
Vincenzo Palmer - - - -	-- Reduced Surveyor of Cotton Yarn in the Custom-House - -	40 - -	
Giuseppe Farrugia - - - -	-- Retired Apothecary in the Civil Hospitals - - - -	40 - -	
Fra Paolo Pace - - - -	-- Retired Book-keeper in the Land Revenue Department - - - -	40 - -	
Pasquale Regnaud - - - -	-- Retired Clerk in the Office of Judicial Receipts - - - -	40 - -	
Clemente Mifsud - - - -	Retired ditto in the Marine Police - -	37 10 -	
Gio. Carlo Mamo - - - -	-- Reduced Storekeeper in the Grain Department - - - -	30 - -	
Giovanni Chetcuti - - - -	- - ditto - - - -	25 - -	
Carried forward - - - -		- - -	1,413 14 -

No. 24.—LIST of all PENSIONS payable out of the REVENUES of Malta, &c.—continued.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.	
MALTESE INDIVIDUALS—continued.		£. s. d.	£. s. d.
CIVIL—continued.	Brought forward - -	- - -	1,413 14 -
Gio. Batta Decandia - -	-- Retired Pressman in the Government Printing Office - -	25 - -	
Simone Arminio - -	-- Retired Gauger in the Excise Office - -	25 - -	
Paolo Micallef - -	-- For services in the Università and in the Government Stables -	25 - -	
Lorenzo Parnis - -	-- Retired Messenger in the Grain Department - -	22 10 -	
Saverio Schembri - -	-- Reduced Guardian in the suppressed Vendue Office - -	20 12 -	
Giuseppe Tramblett - -	-- Reduced Clerk in the suppressed Office of Administrators of Public Property - -	20 - -	
Antonio Parnis - -	Retired Intendant of Marine Police -	20 - -	
Giuseppe Schembri - -	-- Reduced "Lingieri" of the Civil Hospitals - -	20 - -	
Vincenzo Farrugia - -	-- Reduced Surgeon of the Great Prison - -	20 - -	
Francesco Bugeja - -	-- Retired Head Carpenter in the Civil Arsenal - -	20 - -	
D ^r Giovanni Andreotti - -	-- Retired Surgeon in the Civil Hospitals - -	20 - -	
Gio. Niccolo Gauci - -	Retired Clerk in the Civil Hospitals -	15 - -	
Gio. M ^a Chetcuti - -	-- Retired Deputy Luog ^{te} at Casal Musta - -	15 - -	
Giuseppe Vella - -	-- Retired from employment in the Government Stables - -	15 - -	
Pietro Micallef - -	Retired Porter in the Treasury - -	15 - -	
Paolo Bernard - -	-- Reduced Administrator in the Civil Hospitals - -	12 10 -	
Giacomo Monreal - -	-- Retired Compositor in the Government Printing Office -	10 - -	
Antonio Mallia - -	Retired Jurat at Gozo - -	10 - -	
Francesco Romolo - -	-- Superannuated Boatman in the Marine Police - -	20 - -	
Ludovico Camilleri - -	-- ditto - -	16 - -	
Lorenzo Gatt - -	-- ditto - -	16 - -	
Vincenzo Grech - -	-- Retired from employment in the above Department - -	5 - -	
Giuseppe Spiteri - -	Superannuated Serjeant of Police -	15 9 -	
Antonio di Giorgio - -	-- ditto - -	14 - -	
Tommaso Cento - -	-- ditto - -	14 - -	
Giuseppe Galia - -	-- ditto - -	14 - -	
Ignazio Sammut - -	-- Superannuated Guardian in the Prisons - -	15 - -	
Andrea Leonardo - -	-- ditto - -	10 10 -	
Giovanni Cassar - -	-- ditto - -	10 10 -	
Paolo Vidal - -	-- Superannuated "Agozzino" in the Great Prisons - -	10 - -	
Michele Attard - -	-- Superannuated "Visconti," attached to the Police - -	9 - -	
Antonio Spiteri - -	-- ditto - -	5 - -	
Salvatore Micallef - -	-- ditto - -	5 - -	
Albino Gauci - -	-- ditto - -	5 - -	
Andrea Farrugia - -	-- Superannuated "Capitano di notte," attached to the Police -	5 - -	
Celestino Turbroll - -	-- Superannuated Guardian in the Quarantine Department - -	20 - -	
Giuseppe Calamatta - -	-- ditto - -	20 - -	
Giuseppe Micallef - -	-- ditto - -	20 - -	
Samuele Merciera - -	-- ditto - -	20 - -	
Luigi Sammut - -	Superannuated Boatman, ditto -	10 - -	
Gio. Maria Schembri - -	-- ditto - -	10 - -	
Emmanuele Giordan - -	-- ditto - -	10 - -	
Vincenzo Cassan - -	-- ditto - -	10 - -	
Giuseppe D'Amici - -	-- Superannuated Labourer in the Grain Department - -	10 - -	
Giuseppe Sajd - -	-- ditto - -	10 - -	
Carried forward - -		- - -	1,413 14 -

No. 24.—LIST of all PENSIONS payable out of the REVENUES of Malta, &c.—continued.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.	
MALTESE INDIVIDUALS—continued.		£. s. d.	£. s. d.
CIVIL—continued.			
	Brought forward - - -	- - -	1,413 14 -
Michele Merciera - - -	-- Superannuated Labourer in the Grain Department - - -	10 - -	
Giuseppe Vella - - -	-- ditto - - -	7 10 -	
Francesco Bugeja - - -	-- ditto - - -	7 10 -	
Francesco Agius - - -	-- ditto - - -	5 - -	
Felice Caruana - - -	-- Superannuated Guardian in the Civil Hospitals - - -	10 - -	
Gio. M ^a Duneo - - -	-- Superannuated Servant in ditto - - -	9 - -	
Lorenza Genuis - - -	-- ditto - - -	8 - -	
Marianna Farrugia - - -	-- ditto - - -	5 - -	
Maria Asciack - - -	-- ditto - - -	5 - -	
Giovanna Onofrio - - -	-- Widow of the Registrar of the Courts of Laws - - -	40 - -	
Giuseppa Pizzuto - - -	-- Widow of a Judge - - -	30 - -	
Maria Regnaud - - -	-- Widow of a Clerk in the Quarantine Department - - -	25 - -	
Emmanuela Savona - - -	-- Widow of a Clerk in the Vendue Office - - -	21 - -	
Teresa Mallia - - -	-- Widow of an Adjutant of Police at Gozo - - -	20 - -	
Antonia Zarb - - -	-- Widow of a Clerk in the Custom House - - -	15 - -	
Vincenza Debono - - -	-- Widow of a Surgeon of the Civil Hospitals - - -	10 - -	
Francesca Pisani - - -	-- Widow of a Surgeon who died by the Plague - - -	10 - -	
Giuseppa Mosù - - -	-- ditto - - -	10 - -	
Maria Matrenza - - -	-- ditto - - -	10 - -	
Annunziata Izzo - - -	-- Widow of a Clerk in the Custom House - - -	10 - -	
Matilde Cassur - - -	-- Widow of a Physician in the Hospitals - - -	10 - -	
Eleonora Gravagna - - -	-- Daughter of a late Storekeeper of the Civil Arsenal - - -	10 - -	
Maria and Margarita Micallef - - -	-- Orphan Daughters of a Physician who died of Plague - - -	10 - -	
* Felice Briffa - - -	-- For Services rendered by his Father during the Plague, of which he died - - -	8 - -	
* Fortunata Pace - - -	-- Widow of a Surgeon, who died as above - - -	7 - -	
Francesca Savona - - -	-- Widow of a Porter of the suppressed "Consolato del Mare" - - -	7 - -	
Marianna Xerri - - -	-- Widow of a Gaoler - - -	5 - -	
Teodora Camilleri - - -	-- Widow of a "Maestro di Piazza" - - -	5 - -	
D ^r Emmanuele Gravagna - - -	-- Assessor in the suppressed Episcopal Court - - -	24 - -	
Saverio Vassallo - - -	-- Actuary - - ditto - - -	20 - -	
Giovanni Micallef - - -	-- Clerk - - ditto - - -	12 - -	
Giuseppe Zammit - - -	-- ditto - - ditto - - -	10 - -	
Emmanuele Corsone - - -	-- ditto - - ditto - - -	6 13 -	
D ^r Antonio Pullicino - - -	-- Poor's Advocate ditto - - -	10 - -	
Sac ^{te} Antonio Zerafa - - -	-- Pro-Fiscal - ditto - - -	8 - -	
Lorenzo Mangion - - -	-- "Alario" - ditto - - -	12 - -	
Giuseppe Vassallo - - -	-- ditto - - ditto - - -	11 6 -	
Giacomo Bugeja - - -	-- ditto - - ditto - - -	11 6 -	
Giuseppe Borg - - -	-- ditto - - ditto - - -	11 6 -	
Giovanni Cilia - - -	-- ditto - - ditto - - -	11 6 -	
Michele Pace - - -	-- ditto - - ditto - - -	11 6 -	
Gioacchino Rossi - - -	-- Retired Assistant in the Office of the Captain of the Port and Intendant of Marine Police (charged as an unfixed Contingency) - - -	77 3 -	
Children of the late Dr. Letard - - -	-- Orphans of a Magistrate of Judicial Police (for ten years, from 26th August 1831) - - -	35 - -	
			2,797 4 -
		£.	4,210 18 -

No. 24.—LIST of all PENSIONS payable out of the REVENUES of Malta, &c.—continued.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.	
MALTESE INDIVIDUALS—continued.			
M I L I T A R Y.		£. s. d.	£. s. d.
Brought forward - -		- - -	4,210 18 -
Sir P. Parisio Moscati - - -	Military Retirement - - -	91 6 -	
Giuseppe Fabri - - -	-- Reduced Officer of late Maltese Corps - - -	60 - -	
Gioacchino They - - -	- - - ditto - - -	20 - -	
Pietro Chinzi - - -	- - - ditto - - -	20 - -	
Ignazio Balzan - - -	- - - ditto - - -	20 - -	
Enrico Balbi - - -	- - - ditto - - -	20 - -	
Salvatore Gellel - - -	- - - ditto - - -	20 - -	
Rajmondo Vella - - -	- - - ditto - - -	15 - -	
Antonio Muscat - - -	- - - ditto - - -	15 - -	
Giuseppe Vidal - - -	- - - ditto - - -	15 - -	
Pietro Manoel - - -	- - - ditto - - -	12 10 -	
Gio. Batta Bonnici - - -	- - - ditto - - -	12 - -	
Emmanuele Carnana - - -	- - - ditto - - -	12 - -	
Fra Ant. Baldacchino - - -	-- Reduced Chaplain of late Maltese Corps - - -	15 - -	
Rosa Allegrini - - -	-- Reduced Widow of an Officer of late Maltese Corps - - -	10 - -	
Maria Trapani - - -	- - - ditto - - -	9 - -	
Gioacchino Bartolo - - -	-- Invalid discharged from late Maltese Corps - - -	10 17 -	
Lazzaro Suberras - - -	- - - ditto - - -	10 17 -	
Felice Zammit - - -	- - - ditto - - -	7 12 -	
Giuseppe Fenech - - -	- - - ditto - - -	7 12 -	
Lorenzo Formosa - - -	- - - ditto - - -	7 12 -	
Giuseppe Mifsud - - -	- - - ditto - - -	7 12 -	
Gaetano Zammit - - -	- - - ditto - - -	7 12 -	
Giuseppe Agius - - -	- - - ditto - - -	7 12 -	
Luigi Schembri - - -	- - - ditto - - -	7 12 -	
Angelo Saliba - - -	- - - ditto - - -	7 12 -	
Michele Falzon - - -	- - - ditto - - -	7 12 -	
Salvatore Vella - - -	- - - ditto - - -	7 12 -	
Lorenzo Borg - - -	- - - ditto - - -	7 12 -	
Andrea Buhagiar - - -	- - - ditto - - -	7 12 -	
Giuseppe Psajla - - -	- - - ditto - - -	7 12 -	
Giovanni Camilleri - - -	- - - ditto - - -	7 12 -	
Silvestro Ghigo - - -	- - - ditto - - -	7 12 -	
Giuseppe Camilleri - - -	- - - ditto - - -	7 12 -	
Giuseppe Ferrugia - - -	- - - ditto - - -	7 12 -	
Antonio Balzan - - -	- - - ditto - - -	7 12 -	
Salvatore Zammit - - -	- - - ditto - - -	7 12 -	
Francesco Attard - - -	- - - ditto - - -	7 12 -	
Gaetano Camilleri - - -	- - - ditto - - -	7 12 -	
Michel Angelo Cauchi - - -	- - - ditto - - -	7 12 -	
Paolo Ebejer - - -	- - - ditto - - -	7 12 -	
Antonio Galea - - -	- - - ditto - - -	7 12 -	
Salvatore Grech - - -	- - - ditto - - -	7 12 -	
Paolo Sansone - - -	- - - ditto - - -	7 12 -	
Gio. Maria Xicluna - - -	- - - ditto - - -	7 12 -	
Giuseppe Zammit - - -	- - - ditto - - -	7 12 -	
Lorenzo Merciera - - -	- - - ditto - - -	7 12 -	
Gio. Batta Balzan - - -	- - - ditto - - -	7 12 -	
Francesco Cilia - - -	-- Quarter-master Serjeant of the Disembodied Malta Militia - - -	5 10 -	
Filippo Formosa - - -	- - - ditto - - -	5 10 -	
Nicola Lanpanio - - -	- - - ditto - - -	5 10 -	
Antonio Mattei - - -	-- Reduced Lieutenant of R. M. F. Regiment (until re-employed) - - -	45 13 -	
Michelina Galea - - -	-- Widow of a Captain in the above Regiment - - -	32 - -	
Benvenuta Cavarra - - -	Widow of a Lieutenant - ditto - - -	26 - -	
Grazia Zahra - - -	-- Widow of a Private in the said Regiment, who was killed in the execution of his duty - - -	10 - -	
Salvatore Callus - - -	-- Invalid discharged from the R. M. F. Regiment - - -	12 13 6	
Angelo Magro - - -	- - - ditto - - -	12 13 6	
Ignazio Asciach - - -	- - - ditto - - -	12 13 6	
Carried forward - -		£.	4,210 18 -

No. 24.—LIST of all PENSIONS payable out of the Revenues of *Malta, &c.*—*continued.*

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.	
MALTESE INDIVIDUALS— <i>continued.</i>		£. s. d.	£. s. d.
	Brought forward -	- - -	4,210 18 -
MILITARY— <i>continued.</i>			
Giaacchino Taboni -	Invalid discharged from the		
	R. M. F. Regiment -	12 13 6	
Vincenzo Bonnici -	ditto -	12 13 6	
Francesco Borg -	ditto -	12 13 6	
Salvatore Fenech -	ditto -	12 13 6	
Litterio d'Angelo -	ditto -	12 10 -	
Giuseppe Galdes -	ditto -	12 10 -	
Lorenzo Biondo -	ditto -	10 3 -	
Francesco Zatrete -	ditto -	10 3 -	
Antonio Mizzi -	ditto -	10 3 -	
Giuseppe Zammit -	ditto -	10 3 -	
Liberato Bonello -	ditto -	10 - -	
Francesco Borg -	ditto -	7 12 3	
Gio. Maria Callus -	ditto -	7 12 3	
Gio. Maria Zammit -	ditto -	7 12 3	
Giuseppe Sciberras -	ditto -	7 12 3	
Salvatore Schembri -	ditto -	7 12 3	
Giuseppe Mula -	ditto -	7 12 3	
Salvatore Fenech -	ditto -	7 12 3	
Paolo Micallef -	ditto -	7 12 3	
Michele Cordina -	ditto -	7 12 3	
Luigi Pace -	ditto -	7 12 3	
Giovanni Pace -	ditto -	7 12 3	
Salvatore Vella -	ditto -	7 12 3	
Paolo Grech -	ditto -	7 12 3	
Giuseppe Ganci -	ditto -	7 12 3	
Ignazio Caruana -	ditto -	7 12 3	
Salvatore Buttigieg -	ditto -	7 12 3	
Giovanni Cutajar -	ditto -	7 12 3	
Filippo Farrugia -	ditto -	7 12 3	
Michele Bonello -	ditto -	7 12 3	
Gio. Batta Buonasera -	ditto -	7 12 3	
Lucio Magre -	ditto -	7 12 3	
Giuseppe Ebejer -	ditto -	7 12 3	
Francesco Bartolo -	ditto -	7 12 3	
Giuseppe Xuereb -	ditto -	7 12 3	
Gioacchino Bonello -	ditto -	7 12 3	
Giovanni Cassar -	ditto -	7 12 3	
Lorenzo Mefsud -	ditto -	7 12 3	
Lorenzo Borg -	ditto -	7 12 3	
Giuseppe Frendo -	ditto -	7 12 3	
Girolamo Xiberras -	ditto -	7 12 3	
Francesco Aquilina -	ditto -	7 12 3	
Gregorio Frendo -	ditto -	7 12 3	
Martino Caruana -	ditto -	7 10 -	
Pietro Derestra -	ditto -	7 10 -	
Lorenzo Farrugia -	ditto -	7 10 -	
Rajmondo Tanti -	ditto -	7 10 -	
Alessio Brineat -	ditto -	7 10 -	
Giuseppe Gatt -	ditto -	5 1 6	
Lorenzo Rizzo -	ditto -	5 1 6	
Francesco Agius -	ditto -	5 1 6	
Pietro Mangion -	ditto -	5 1 6	
Giovanni Meli -	ditto -	5 1 6	
Gaetano Mifsud -	ditto -	5 1 6	
Nicola Catayar -	ditto -	5 1 6	
Michele Vella -	ditto -	5 1 6	
Agostino Fenech -	ditto -	5 1 6	
Paolo Curmi -	ditto -	5 1 6	
Giuseppe Borg -	ditto -	5 - -	
Lorenzo Fenech -	ditto -	5 - -	
Giuseppe Falzon -	ditto -	5 - -	
Giuseppe Dosparo -	ditto -	5 - -	
Angelo Spiteri -	ditto -	5 - -	
Salvatori Cremona -	ditto -	5 - -	
Gio. Batta Azzopard -	ditto -	5 - -	
Antonio Zarb -	ditto -	5 - -	
Giuseppe Camilleri -	ditto -	5 - -	
Giovanni Schembri -	ditto -	5 - -	
Giovanni Galea -	ditto -	5 - -	
Carried forward -		£.	4,210 18 -

No. 24.—LIST of all PENSIONS payable out of REVENUES of Malta, &c.—continued.

N A M E.	REASON FOR THE GRANT.	YEARLY PENSION.	—
MALTESE INDIVIDUALS—continued.		£. s. d.	£. s. d.
CIVIL—continued.			
	Brought forward	- - -	4,210 18 -
Luigi Farrugia	- - - Invalid discharged from the R. M. F. Regiment	5 - -	
Pasquali Ciappara	- - - ditto	5 - -	
Felice Asciach	- - - ditto	5 - -	
Agostino Schembri	- - - ditto	5 - -	
Giuseppe Bajada	- - - ditto	5 - -	
Gio. Maria Formosa	- - - ditto	5 - -	
Giaromo Zatira	- - - ditto	5 - -	
Giuseppe Azzopardi	- - - ditto	5 - -	
Benigno Formosa	- - - ditto	5 - -	
Giuseppe Saliba	- - - ditto	5 - -	
Giuseppe Attard	- - - ditto	5 - -	
Carlo Abela	- - - ditto	5 - -	
Felice Bonello	- - - ditto	5 - -	
Giuseppe Galea	- - - ditto	5 - -	
Paolo Aquilina	- - - ditto	5 - -	
Giovanni Azzopard	- - - ditto	5 - -	
Francesco Camilleri	- - - ditto	5 - -	
Vincenzo Zammit	- - - ditto	5 - -	
Michele Grioch	- - - ditto	5 - -	
Gio. Maria Zammit	- - - ditto	5 - -	
Paolo Pace	- - - ditto	5 - -	
Vincenzo Agius	- - - ditto	5 - -	
Dominico Grech	- - - ditto	5 - -	
Giuseppe Aquilina	- - - ditto	5 - -	
Luca Saliba	- - - ditto	5 - -	
			1,422 16 6
		£.	5,633 14 6
NATIVES OF GREAT BRITAIN:			
R. R. Wood	- - - In lieu of Emoluments as Vendue Master	1,000 - -	
Sir William K. Ball	- - - In consideration of the meritorious Services of his late father, Sir A. Ball, bart., as King's Civil Commissioner in Malta	600 - -	
The Rev. Francis Laing	- - - Retired Chief Secretary to Government	400 - -	
George Dalzel	- - - Reduced Deputy Vendue Master (until re-employed)	45 - -	
Sir Richard Plasket	- - - Retired Chief Secretary to Government	300 - -	
Frederick Ross	- - - Reduced Registrar of Public Registry-office (until re-employed)	60 15 9	
		2,405 15 9	
FOREIGNER:			
Vittorio Barzoni	- - - Retired Editor of the Government	100 - -	

SUMMARY STATE, 31st December 1834:

	YEARLY PENSION.	—
MALTESE:—	£. s. d.	£. s. d.
ECCLESIASTICAL, CIVIL AND CHARITABLE	4,210 18 -	5,633 14 6
MILITARY	1,422 16 6	
NATIVES OF GREAT BRITAIN—CIVIL	- - -	2,405 15 9
A FOREIGNER—CIVIL	- - -	100 - -
TOTAL	- - - £.	8,139 10 3

Total agreed.

W^m H^y Thornton, Auditor General.Vin. Casolani,
Acting Treasurer to Govt.

Appendix to Enclosure No. 3, in No. II.

RETURN of PENSIONS paid by the Colonial Agent General in *England* to the Knights of the Order of St. John of Jerusalem.

Chevalier Barde - - -	5 s. per day.	Chevalier Ponteané - - -	5 s. per day.
Chevalier Blossac - - -	5 s. „	Sade - - -	5 s. „
Chevalier Choiseul - - -	5 s. „	St. Martin - - -	5 s. „
Chevalier Clerk - - -	5 s. „	Chevalier Ch ^a . de Thuisy - - -	5 s. „
Chevalier A.E. D'Orfeuille - - -	5 s. „	Chevalier Geo. de Thuisy - - -	5 s. „
Chanoniesse D'Orfeuille - - -	£. 60 per ann.	Chevalier Em ⁱ de Thuisy - - -	5 s. „
Chevalier Dutheil - - -	5 s. per day.	Chevalier Auguste de Thuisy - - -	5 s. „
Chevalier Mesnard - - -	5 s. „		

TOTAL amount of Pensions to the Knights, £. 1,363. 10. per annum.

Proportion of the Amount of Retired Allowances paid from the Revenues }
of *Malta* to the Persons employed in the late Colonial Audit Office in } £. 385. 5. per annum.
England, on the Abolition of that Department - - - - -

Enclosure No. 4, in No. II.

LETTER of the SUPERINTENDENT of GRAIN at *Malta*, dated 22d December 1835, in explanation of the Returns required from him, to be laid before Parliament, in terms of a Resolution of The House of Commons, dated 17th August 1835.

Sir,

Grain Department, La Valletta, 22d December 1835.

I HAVE the honour to acknowledge the receipt of your Letter of the 22d September last, conveying to me the instructions of the honourable the Acting Lieutenant-Governor, to prepare "A Return of all Purchases and Sales of Grain, and of all other Duties collected on Grain, and of all the Salaries, Charges and Expenses of the Grain Department at *Malta*, during the last Ten Years inclusive, distinguishing each several head of Receipt and Expenditure, and distinguishing each Year; together with an Estimate of the Annual Rental or value of the Stores and Fosses devoted by Government to this service during the last Ten Years, as well as of the present value of the Stock of Government Grain now remaining in Store, specifying the number of Salms, and when and where purchased."

In compliance with these directions, I beg to enclose herewith Three Returns, marked respectively (A.) (B.) and (C.) and two Estimates, one marked (D.), the other (E.)

These will be found to comprehend the whole of the information called for. I must premise, however, that, for the sake of greater perspicuity, they are rendered in conformity with the practice that has always prevailed of keeping the Government and trade transactions in Grain entirely apart from each other, those of the former being classed under the head of "Government Grain Concern," as in Return (A.), and those of the latter under that of "Revenue," as in Return (B.)

The duties of the two branches being inseparably interwoven, they are naturally brought under one department; a measure productive of great economy, as well as convenience to the public.

The Return (A.) shows all Government purchases and sales of wheat, and all the salaries, charges and expenses of that branch of the Grain Department designated "the Government Grain Concern," distinguishing each several head of receipt and expenditure. It will be seen that the whole of these salaries, charges and expenses, including interest on the capital employed, were defrayed by, and appear in the accounts of, that concern; the interest alone amounted to 14,298*l*.

The Return (B.) is a Statement of all Duties collected by me on Grain or its produce, and of all the salaries, charges and expenses attached to this branch of the department, designated as the "Revenue" branch, distinguishing each several head of receipt and expenditure. It is here to be remarked, that whenever Government Wheat is sold to the Public, the price is fixed exclusive of the duty, which is consequently paid by the purchaser, and carried to the account of the revenue, in precisely the same manner as if the Wheat belonged to a trade.

The Return (C.) is a Statement of the annual rental paid for that portion of the Stores and Fosses belonging to the Grain Department, which was made use of by the traders in grain from 1825 to 1834, both years inclusive.

The Estimate (D.) comprises three distinct valuations of the rental (had it been justly liable to any such charge) of that portion of the Store and Foss-room, which was occupied during the same period by the Government reserve stock of wheat.

The first of these valuations is grounded upon the intrinsic worth of the Store and Foss-room actually so occupied.

The second valuation, which, for the reason assigned in the Estimate, has been computed at the rates of store-rent payable under the existing tariff of July 1832, is strictly indicative of the subsequent as well as future value of this rental. I consider, also, that it affords the fairest criterion of its value for the whole ten years; always assuming such rental to apply to a Government reserve stock; for otherwise it would retrospectively have been, and prospectively would be, much depreciated.

The third valuation is founded upon the supposition, that the whole of the store and foss room occupied by the Government reserve stock (about, on an average of ten years, 28,222 Salms, or between five and six months' supply) might have been engaged by the traders in grain for the reception of a like quantity over and above their customary deposit (averaging during the same period about 5,107 Salms, or one month's supply) in entrepôt; but as there are no grounds for supposing that the trade would have maintained any such stock, I refer to the second valuation, as exhibiting, with the reservation which concludes the preceding paragraph, the only just view of the rental in question.

The Estimate (E.) shows, as required, the probable value of the Government reserve stock of wheat on the 24th ultimo, specifying also the number of Salms; and when and where purchased. But as this stock

stock is held in reserve for special purposes, any present estimate of its value may be very wide of the sale prices hereafter. Sometimes the market value of the stock in question is more, sometimes less, than its cost price; just now it happens to be less, though I should add, that the cost price of the actually existing stock might have been obtained since its purchase, were it not that all considerations of pecuniary advantage are held to be strictly subservient to the more important objects for which this stock is designed.

I trust I may be now permitted to crave the attention of the honourable the Acting Lieutenant-Governor to a few observations relative to the Return (A.) of the "Government Grain Concern," particularly as they likewise serve to show the grounds upon which the second valuation of the rental of the stores and fosses appropriated to the reception of the Government wheat, as exhibited in Estimate (D.), is preferred.

It will be admitted that an ample provision of wheat in a country which produces only 58 days' supply of that article in the year, should be maintained at all seasons, and that the expediency for such provision becomes a matter of paramount interest, when applicable to possessions of importance like these, both in respect of their security in a military point of view, and of the protection due to a redundant and necessitous population, against either real or fictitious scarcity; a protection of nearly two centuries and a half standing, and completely identified with the feelings, expectations and domestic economy of the people.

When the Government monopoly was totally abolished in the year 1822, the Government, knowing the inability of the trade to keep up the adequate supplies, solemnly pledged itself, by proclamation, always to maintain a reserve stock of wheat for the purposes above mentioned; thus placing itself, not from choice, but necessity, in the position of a private importer or capitalist, with, however, these striking disadvantages: first, that political circumstances sometimes induce or influence its purchases at periods of comparative high prices, and when no merchant would buy; and, secondly, that reserving its stock for objects of higher importance, and desirous of interfering as little as possible with the trade, it abstains from selling at moments when a considerable profit might be realized.

These are serious difficulties to contend with, and will help to show with what little justice the "Government Grain Concern" could be made chargeable with store-rent, more especially with store-rent for wheat lodged in stores and fosses constructed and kept in substantial repair from the funds of the Grain Department, and not from those of the General Revenue.

The incompetency just now mentioned of the traders to have maintained, or to maintain, in addition to their customary deposit, an adequate reserve stock of wheat, is sufficiently shown, and admitted by themselves and others, in the Prospectus they put forward in 1825, proposing to establish a Grain Company at Malta, and so take upon themselves, to use their own words, "the charge of maintaining such a deposit on receiving a fair compensation." Setting aside the palpable tendency of this proposition to uncontrollable monopoly, as well as to other insuperable objections, it will be enough to state, that only a fifth part of the requisite funds was reckoned upon as procurable in Malta; and it is very questionable if even that small proportion could have been raised, or would now be forthcoming, were there scope for its being so employed.

If we add to this insufficiency of means, the inevitable risks attendant upon a Corn Trade, as well as the impracticability of obtaining any other than a nominal guarantee for the introduction by the traders of suitable supplies, both for consumption and long preservation, it may reasonably be inferred that no reliance whatever, either could have been, or is to be, placed upon them in regard to this vital point; neither is it difficult to determine that the pecuniary responsibility of the Government would be incalculably aggravated, were it not provided with a reserve stock, ready to alleviate the misery that must result from scarcity, whether occasioned by the failure of crops in other countries, or by political impediments.

In further reference to Return (A.), it will be noticed, that, over and above the information called for, I have subjoined a Summary, showing, not merely Receipt and Expenditure, but also the quantity and cost of the stock on hand, both at the commencement and at the end of the ten years, together with the general results of the whole of the operations of the "Government Grain Concern" for that period; and I would here entreat the attention of the honourable the Acting Lieutenant-Governor to the fact, that those operations were conducted without loss to the Government, after payment of every species of charge, whether of management or otherwise. It is true that the balance due to the Treasury for the stock on hand, on the 24th December 1834, was 41,379*l.*, and that the market value of that stock was only 36,527*l.*; but the difference of 4,852*l.* is more than compensated by the sums placed by the Treasurer to the credit of the General Revenue for interest acquired by the Local Treasury upon its own funds lent to this concern. Considering, then, that the Government must sometimes buy, however unfavourable the moment in respect of price, and that it does not sell when it might dispose of its whole stock at a considerable profit, (reserving it for objects of higher interest), I submit that the operations of the "Government Grain Concern" have been judiciously and successfully managed.

The stock on hand on the 24th ultimo, as per Estimate (E.), being for the greater part composed of purchases abroad, it may be necessary to explain, that the Government had abstained for some years from making any such purchases, although it might have done so with greater advantage; but in 1833-1834, when its stock was low, there was no alternative, the supplies from the Black Sea having wholly failed for two years, and the Government, previous to resorting to purchase abroad, having bought from the merchants on the spot all the wheat fit for preservation.

Whilst on this subject, it may not be unimportant to state, that from the abolition of the monopoly to the present time, the merchants have imported, and sold for consumption, 89 per cent. of the entire quantity of foreign wheat introduced into these possessions.

I have the honour to be, Sir, your most obedient humble Servant,

G. Ward,
Sup^t and Coll^r.

RECEIPT.										EXPENDITURE.													
Year.	Sales of Wheat.		Custom Duty re- proceeds, turned.	Proceeds of Damage and of OldStraw, maturity.	Discount of Bills paid be- fore maturity.	TOTAL Receipts.	Purchases through Agents abroad.				Purchases from the Trade in Port.		Interest on borrowed Capital.	Increase of the Quantity ascer- tained when issued.	Expenses for reception and delivery.	Expenses of Govern- ment Agents' Missions to Egypt and Naples.	Broker- age on Purchases and Sales.	Sala- ries.	Office Ex- penses, to Cashier.	Special Re- mune- ration to Allow- ances.	Rent of Stores, and Fosses.	Re- pairs to Office Stores and Fosses.	TOTAL EXPEN- DITURE.
	Quan- tities.	Proceeds.					Quan- tities.	Invoice Cost.	Freight on Wheat and Specie.	Custom and Quar- antine Duties.	Cost.	Salms.											
1825	Salms.	£.	£.	£.	£.	£.	Salms.	£.	£.	£.	£.	£.	Salms.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
1826	22,228	29,396	-	-	-	29,396	23,007	22,706	5,037	-	-	13,393	8,516	1,593	1,071	-	668	415	24	-	-	-	44,817
1827	16,057	24,876	15	15	-	24,891	8,949	8,974	2,873	669	-	8,067	-	1,506	527	-	269	442	10	200	-	340	15,810
1828	16,496	24,611	23	3	-	24,637	18,661	20,523	8,228	+32	-	8,067	5,777	1,657	747	-	-	963	13	-	32	43	41,505
1829	16,876	29,143	54	3	-	29,200	10,652	12,783	2,426	216	-	33,130	21,316	2,235	965	30	227 (arrears)	695	10	-	39	104	52,876
1830	23,293	41,596	64	6	37	41,703	-	-	-	-	-	1,197	776	1,854	343	-	-	624	10	-	69	105	4,202
1831	15,657	22,203	45	5	-	22,253	-	-	-	-	-	11,431	1,246	1,085	297	-	-	1,000	4	-	14	-	14,000
1832	16,863	24,424	37	19	-	24,480	-	-	-	-	-	13,572	19,416	1,067	407	-	-	904	5	-	8	-	21,833
1833	7,676	12,933	32	3	-	12,968	-	-	-	-	-	6,844	6,844	1,069	85	-	-	776	2	-	31	3	13,729
1834	15,237	20,642	24	4	-	20,670	-	-	33	-	-	14,934	481	666	288	100	-	1,087	6	-	16	-	17,102
1834	12,114	17,660	-	2	-	17,662	20,187	31,623	2,706	-	-	844	-	1,415	678	-	-	1,092	6	160	8	-	38,520
Totals	162,497	247,484	279	60	37	247,860	81,456	96,609	21,303	1,317	-	114,716	75,278	14,298	-	-	-	-	-	-	16	-	-

Summary of the above Return, showing also the Quantity and Cost of the Stock on hand at the close of 1824, and again at the close of 1834, together with the final results of the above Concern at the latter period.

PURCHASES.			SALES.		
Salms.	£.	Salms.	£.	Salms.	£.
24,845	Stock of Wheat on hand on the 24th December 1824, and for which the Superintendent and Collector of the Grain Department was Debtor to the Local Treasury in the sum of - - - - -	162,497	24,845	Wheat sold during the ten years, from 1825 to 1834, for - - - - -	247,860
156,734	Purchased during the ten years from 1825 to 1834, and costing, including all Expenses and Charges of Management as above - - - - -	*21,367	264,394	Stock of Wheat on hand on the 24th December 1834, and for which the Superintendent and Collector of the Grain Department is indebted to the Local Treasury - - - - -	41,379
2,285	Increase ascertained on the Issues - - - - -	-	-	Add Interest due for 1834 not paid until 1835 - - - - -	289,289
Salms 183,864	- - - - -	Salms 183,864	£.	- - - - -	£.

* The market value of this stock on the 24th December 1834 was about £.36,527.

The Stock of Wheat remaining and the Debt to the Local Treasury agreed with the Totals (namely, Salms 21,367 5 t. 4 m. and £.41,379 18 s. 11½ d.) resulting from the audited Accounts.
22 December 1835, } G. Ward, Sup^t and Coll^r.

Wm H^r Thornton, Andr Gen.

525

(B.)

RETURN of all the DUTIES received by the Superintendent and Collector of the GRAIN DEPARTMENT, upon Grain or its Produce, and of all the Salaries, Charges and Expenses wherewith this Branch of the Grain Department, designated "REVENUE BRANCH," was charged, from 1825 to 1834, both Years inclusive; distinguishing each several Head of Receipt and Expenditure.

YEAR.	R E C E I P T.										E X P E N D I T U R E.									
	CONSUMPTION DUTIES ON					* PETTY DUTY ON					Consumption Duties on					Pay of Grain Assistants and Grain Guards.				
	WHEAT.		WHEAT Manufactured.		STOKE RENT.	IN GRAIN.		FLOUR.		Office Salaries, Expenses.	CONSUMPTION DUTY returned on.		PETTY DUTY returned on Wheat.	TOTAL Amount of Expenditure for each Year.	Rent of Magazines.	Pay of Grain Assistants and Grain Guards.	Office Salaries, Expenses.	TOTAL Amount of Receipt for each Year.	STOKE RENT.	Consumption Duties on Indian Corn, Barley and other Inferior Grains:
	Salms.	£.	Can'tars	£.		Salms.	£.	Can'tars	£.		WHEAT.	BARLEY.								
1825 -	59,845	33,458	987	605	307	3,740	1,329	-	-	1,710	31	103	-	£.	£.	£.	31	35,701	307	-
1826 -	60,643	32,633	1,217	701	524	6,876	2,301	-	-	1,761	37	192	-	-	16	230	37	36,161	524	-
1827 -	67,757	38,139	871	493	815	7,253	2,520	-	-	1,504	33	249	-	-	49	249	33	41,973	815	-
1828 -	49,747	25,825	1,275	727	603	5,337	1,709	145	2	1,504	30	230	346	137	-	230	30	29,602	603	93
1829 -	54,966	23,757	2,194	804	518	8,697	2,461	422	5	1,501	29	220	359	123	-	220	29	28,593	518	184
1830 -	49,905	28,184	1,181	689	678	3,491	1,174	54	1	1,297	26	368	708	188	-	220	26	31,645	678	10
1831 -	65,460	33,956	981	505	522	10,276	3,206	59	1	1,295	29	424	206	206	-	220	29	39,374	522	7
1832 -	53,611	28,989	628	330	429	16,267	4,712	68	1	1,295	27	396	68	162	-	220	27	35,434	429	14
1833 -	59,591	32,833	478	299	202	15,866	5,553	-	-	1,077	28	451	66	196	-	220	28	38,902	202	27
1834 -	55,150	29,999	539	318	256	18,550	5,201	-	-	1,077	29	433	201	201	-	220	29	35,779	256	17
TOTALS	576,669	307,773	10,351	5,476	4,854	98,353	30,256	748	10	14,021	209	3,096	5,007	1,517	65	3,096	209	353,164	4,854	352

* This Duty, which was substituted in 1828 for an ancient Impost, called the "Boffa del Pane," was wholly abolished at the end of 1832.

Grain Department, La Valletta, }
22d December 1835.

G. Ward,
Supt and Collr.

Totals (namely, £. 353,164. 11. 9½ Receipt, and £. 19,267. 18. 7. Expenditure) agreed with those resulting from the audited Accounts.
Wm Hy Thornton,
Auditor Gen.

(C.)

RETURN of the ANNUAL RENTAL derived from that portion of the Stores and Fosses belonging to the GRAIN DEPARTMENT, which was made use of by the Traders in Grain at *Malta*, during the last Ten Years, namely, from 1825 to 1834, both inclusive.

YEAR.	AMOUNT of RENT.	RATES OF STORE-RENT.
	£.	IN 1825:
1825	307	2 Tari, or $3\frac{4}{12}d.$ per Salm* for the first three months; and
1826	524	1 Tari, or $1\frac{8}{12}d.$ per Salm for every succeeding three months.

1827	815	From 1826 to (24th July) 1832, both inclusive:
1828	603	4 Pence per Salm for the first three months; and
1829	518	2 Pence per Salm for every succeeding three months.

1830	678	From 25th July 1832 prospectively:
		Pence per Salm.
1831	523	1 for the first three months.
1832	429	2 for any period above three and not exceeding six months;
		and
1833	202	3 for any period exceeding six months, however extended.
1834	256	-----
		* The Salm is about $1\frac{1}{2}$ per Cent. less than the Imperial Quarter.

OBSERVATION.

NOT an eighth part of the Stores and Fosses belonging to the Grain Department, and applicable to the demands of the Traders in Grain (independently of those required for the Government stock of Wheat), was occupied during these Ten Years by the Trade.

Grain Department,
La Valletta, 22d December 1835. }

G. Ward, Sup^t and Coll^r.

TOTALS agreed with those resulting from the audited Accounts.

W^m H^d Thornton, Auditor General.

(D.)

ESTIMATE, containing three distinct Valuations of the Annual RENTAL of that portion of the Stores and Fosses belonging to the GRAIN DEPARTMENT which was devoted to the Service of the GOVERNMENT GRAIN CONCERN in Malta during the last Ten Years, namely, from 1825 to 1834, both inclusive.

Grounds upon which the Valuation of the RENTAL is estimated.	ESTIMATED VALUE of the RENTAL.									
	1825.	1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.
First Valuation.	£. 104	£. 92	£. 105	£. 146	£. 124	£. 86	£. 76	£. 67	£. 40	£. 78
Second Valuation.	200	176	202	281	240	165	143	129	77	150
Third Valuation.	1,000	1,065	1,207	1,638	1,437	992	858	386	77	150
Average per ann. £. 886										

Estimated upon the intrinsic value of the property actually occupied by the Government Reserve Stock of Wheat, calculating such property to be worth, upon its cost for construction, 6 per cent. per annum, which is the maximum value of the best and highest rented buildings in the city. The construction of stores and fosses is free to any individual

Estimated upon the quantities composing the Government reserve Stock, they being computed at the non-existing rates of store rent established in July 1832. This Estimate not only affords a fair criterion of the present as well as prospective value of the rental in question, but exhibits probably the nearest approximation to the rental which might have been realized in the Ten Years; for although the rates of store-rent, as may be seen below, were much higher previous to July 1832, yet it may be confidently assumed, that the quantities stored for long preservation, to which those rates were applicable, and upon which this Estimate is founded, would have been proportionably less had there been no Government Stock

Estimated upon upon the Tariffs* of store-rent in force during these Ten Years, and assuming that the whole of the stores and foss-room occupied by the Government reserved Stock of Wheat would have been engaged by the traders in grain for the reception of an equivalent stock, in addition to that commonly maintained by them. But as there are no reasonable grounds to justify such assumption, any judgment of value deduced from this exaggerated Estimate would be fallacious. The most probable value of the rental for these Ten Years will be found in the preceding Estimate, No. 2

Observation.—The whole of the Stores and Fosses belonging to the Grain Department are capable of containing more than double the quantity of Wheat that was lodged in them during these Ten Years by the trade and Government jointly.

* The Tariff rates (the salm being about $1\frac{1}{2}$ per cent. less than the imperial quarter) were as follows:
For the whole of the year 1825, 2 tari, or $3\frac{1}{4}$ d. per salm for the first three months; and 1 tari, or $1\frac{1}{2}$ d. per salm for every succeeding three months.
From 1826 to 24th July 1832, both inclusive, 4d. per salm - - - and ad. per salm for - - - ditto - - - ditto - - - ditto.
From 25th July 1832 prospectively, 1 d. per salm for the first three months; 2 d. per salm for any period more than three, and not exceeding six months; and 3d. per salm for any period beyond six months, however extended.

The undersigned coincides with respect to the above data, giving the preference to the Second Valuation.
W. H. Thornton, Audr Gen.

Grain Department, La Valetta, } G. Ward, Sup^t and Collr.
22 December 1835.

(E.)

ESTIMATE of the probable VALUE of the GOVERNMENT RESERVE STOCK of WHEAT on the 24th November 1835, specifying also the Number of Salm, and when and where purchased.

When and where Purchased.	Country of Growth.	Quantities.	Probable Value on the 24th November 1835.
	Salm.	Salm.	£.
1833, November and December at Naples	Puglia -	10,967	
1835, January, at ditto	Ditto -	4,885	
1835, June, at Malta -	Ditto -	1,029	24,644
1834, February and May, at Palermo.	Sicily -	1,573	
1835, February to August, at ditto.	Ditto -	2,035	5,412
1833, November, at Malta.	Macedonia -	1,195	1,494
1835, January, at ditto	Odesa -	1,265	2,108
TOTALS -	-	22,949	{ 33,658, or on an average 29s. 4 d. per salm.

Grain Department, La Valetta, } G. Ward, Sup^t and Collr.
22 December 1835.

RETURNS RELATIVE TO COUNCIL OF GOVERNMENT

Enclosure, No. 5, in No. II.

STATEMENT of the Sums collected through the Custom House, at Malta, between the Years 1825 and 1834, inclusive.

YEARS.

ARTICLES.	YEARS.												TOTAL.	Observations.
	1825.	1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.				
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
ABASSES (species of earth) nut from Barbary)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Alum	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Animal Bones	8 1 8	4 18 7	1 16 8	12 10 2	8 17 6	3 1 3	2 13 9	5 15 10	9 13 9	34 10 1	91 19 3	7	-	-
Bacon and Lard	-	7 18 1	8 14 11	7 7 1	6 7 5	6 3 8	11 12 10	9 - 1	3 19 1	1 16 7	70 - 4	-	-	-
Barilla	-	39 10 4	51 3 3	37 18 3	64 15 7	23 12 3	102 19 2	72 8 4	1 14 11	-	416 1 9	-	-	-
Barley	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Beech wood	-	2 7 6	- 10 5	1 18 6	8 15 -	2 13 1	1 - 10	-	1 14 11	-	2 14 3	-	-	-
Beef and Pork salted (British)	-	7 6	18 3 11	4 2 3	23 4 2	13 - 11	23 2 11	2 12 -	5 15 -	14 3 2	116 7 9	-	-	-
Ditto (Foreign)	-	5 1 2	7 2 3	10 3 5	2 4 2	-	-	-	-	-	-	-	-	-
Belzovins	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Beer - per hoghead	-	22 17 6	22 10 10	37 - -	66 11 8	52 10 -	83 11 8	23 1 8	56 11 6	51 11 -	586 16 2	-	-	-
Ditto - dozen	-	-	-	-	-	-	-	-	55 2 6	88 13 8	-	-	-	-
Beet-root	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bottles, empty - (British)	-	1 6 2	-	6 10 6	25 10 9	14 12 8	17 8 4	2 19 7	1 16 -	4 11 3	77 1 9	-	-	-
Ditto - (Foreign)	-	1 7 7	1 - 6	1 17 11	1 7 6	1 13 10	1 3 10	1 1 5	1 2 6	3 13 -	15 16 6	-	-	-
Box-wood	-	45 6 -	44 10 1	98 16 9	184 15 -	80 11 11	35 15 11	157 7 7	-	-	730 15 5	-	-	-
Brandy	-	1 13 8	2 1 4	5 18 10	1 13 2	4 11 -	1 7 2	-	-	-	22 3 7	-	-	-
Brass	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Brooms	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bullocks' Tails	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Butter	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto - (British)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto - (Foreign)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Candles, Wax	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto - Spermaceti	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto - Tallow	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Canes	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Carob Beans	-	33 16 11	26 5 3	60 4 3	32 10 10	25 1 2	46 13 -	29 12 2	63 16 3	119 15 8	480 - 5	-	-	-
Bullocks	-	-	-	1,257 -	1,747 5 -	1,316 -	1,366 10 -	1,010 10 -	1,232 7 -	1,301 7 -	9,239 19 -	-	-	-
Pigs	-	-	-	173 3 6	254 14 -	107 8 -	78 4 6	57 3 -	175 19 -	84 3 -	930 18 6	-	-	-
Sheep	-	-	-	100 -	138 17 -	40 15 -	9 5 -	27 18 -	12 13 -	29 17 -	359 5 -	-	-	-
Goats	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mules	-	16 5 -	13 15 -	13 15 -	8 6 8	29 11 8	5 8 4	5 -	2 -	6 12 -	100 13 8	-	-	-
Horses	-	3 9 7	3 14 10	4 8 10	7 13 -	8 - 3	5 6 10	2 8 10 -	7 12 -	14 16 -	67 6 6	-	-	-
Asses	-	2 19 4	3 14 10	4 8 10	7 13 -	8 - 3	5 6 10	2 8 10 -	7 12 -	14 16 -	67 6 6	-	-	-
Chairs	-	1 2 6	2 17 5	1 12 5	3 9 3	5 15 2	1 3 8	- 9 9 -	1 13 -	2 11 -	21 16 1	-	-	-
Chalk	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Charcoal	-	85 2 5	97 8 8	122 12 11	103 8 3	78 14 8	158 14 -	274 10 6	636 2 10	742 18 4	2,408 7 9	-	-	-
Cheese and Ricotta	-	225 2 -	147 15 8	254 7 1	178 5 11	150 16 4	188 9 3	182 11 2	120 19 8	142 13 9	1,718 5 3	-	-	-
Ditto	-	49 14 7	52 3 9	23 1 10	42 3 3	35 5 9	15 14 8	15 - 4	100 - 4	41 5 1	307 19 5	-	-	-
Chestnuts	-	22 15 5	42 14 3	38 10 4	30 - 9	25 - 2	28 18 1	26 6 6	68 10 6	86 12 2	392 7 1	-	-	-
Cherry Juice	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cherry Wood	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Coals	-	14 15 -	10 19 5	43 6 10	54 7 5	71 12 4	76 19 5	23 12 6	82 13 5	91 12 11	497 5 5	-	-	-
Cocoa	-	-	9 - 2	6 16 5	3 10 -	15 8	- 9 5 -	1 17 8	4 19 2	- 4 5	27 12 11	-	-	-
Cocoa Nuts	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Coccolinal	-	7 12 9	5 11 11	8 19 1	10 10 3	-	2 13 4	9 12 6	5 6 10	-	50 6 8	-	-	-
Coffee	-	22 15 7	44 13 -	53 16 4	5 6 6	9 11 5	1 3 2	4 9 -	27 16 -	88 18 1	268 19 2	-	-	-
Ditto (British)	-	92 3 5	259 3 3	134 12 5	115 15 6	122 12 10	45 18 3	257 7 7	339 8 7	268 16 4	1,769 17 5	-	-	-
Ditto (Foreign)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Copper	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Copperas	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Coral	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Coriander seed	-	-	-	-	-	-	-	-	-	-	-	-	-	-

- Custom Duty
Barley abolished
1833; i.e. i.d. is in
arrear of 1832.

- Custom Duty on
Brandy abolished
in 1833.

Corn, Indian	19 10 10	41 19 8	5 1 9	15 14 3	11 9 2	5 19 8	50 10 2	3 2 8	1 15 9	150 5 6
Cork	- 9 3	- 9 2	- 10 6	- 13 2	- 18 1	- 5 3	1 2 1	3 2 8	1 15 9	10 4 10
Cotton Seed	20 17 7	18 2 11	26 16 11	25 1 2	15 4 7	20 4 5	28 18 8	148 11 8	152 12 9	482 6 6
Cotton Wool	-	13 4 8	- 15 2	2 2 7	19 11 -	2 11 8	3 16 11	- 17 3	- 9 2	43 10 10
Dags	-	4 18 1	11 10 10	7 4 10	5 12 10	5 13 3	4 1 9	{ 1 13 -	1 11 2	89 4 6
Ditto	-	10 7 1	2 15 -	9 1 10	7 11 5	6 6 10	7 5 6	6 3 4	8 7 4	73 14 4
Faggots	-	9 13 11	-	-	-	-	-	-	-	2 2
Feathers	-	-	-	-	-	-	-	-	-	2 2
Fish (dried and salted)	-	117 7 10	-	-	-	-	-	-	-	877 13 2
Fish Oil	-	-	-	-	-	-	-	-	-	3 8
Flax	-	-	-	-	-	-	-	-	-	137 8 4
Flour	-	1 4 10	-	-	-	-	-	-	-	18 6
Flower seed	-	-	-	-	-	-	-	-	-	1 1
Fruit	-	103 13 10	-	-	-	-	-	-	-	399 16 10
Galls	-	-	-	-	-	-	-	-	-	1 6
Gin	-	6 2 6	-	-	-	-	-	-	-	1 5
(Great Britain)	-	9 12 -	-	-	-	-	-	-	-	1 1
Ditto	-	- 3 10	-	-	-	-	-	-	-	1 1
Glue	-	-	-	-	-	-	-	-	-	1 1
Gum Arabic	-	-	-	-	-	-	-	-	-	1 1
Ditto Lucrose	-	-	-	-	-	-	-	-	-	1 1
Gum Mastic	-	-	-	-	-	-	-	-	-	1 1
Gunpowder, common	-	-	-	-	-	-	-	-	-	1 1
Ditto, fine, in caskets	-	-	-	-	-	-	-	-	-	1 1
Grana-gialla	-	-	-	-	-	-	-	-	-	1 1
Grease	-	-	-	-	-	-	-	-	-	1 1
Hams and Tongues	-	916 -	-	-	-	-	-	-	-	1 1
Flares-kiss	-	-	-	-	-	-	-	-	-	1 1
Hemp	-	96 17 5	-	-	-	-	-	-	-	1 1
Henna	-	-	-	-	-	-	-	-	-	1 1
Hides, untanned	-	55 10 9	-	-	-	-	-	-	-	1 1
Hide parings	-	-	-	-	-	-	-	-	-	1 1
Honey	-	-	-	-	-	-	-	-	-	1 1
Hoops, wooden	-	5 17 3	-	-	-	-	-	-	-	1 1
Ditto, iron	-	-	-	-	-	-	-	-	-	1 1
Horns of Cattle	-	-	-	-	-	-	-	-	-	1 1
Horse-hair	-	-	-	-	-	-	-	-	-	1 1
Indigo	-	47 3 10	-	-	-	-	-	-	-	1 1
Iron, British	-	-	-	-	-	-	-	-	-	1 1
Ditto, Foreign	-	-	-	-	-	-	-	-	-	1 1
Leeches	-	-	-	-	-	-	-	-	-	1 1
Lemon Juice	-	-	-	-	-	-	-	-	-	1 1
Licorice	-	-	-	-	-	-	-	-	-	1 1
Lead	-	-	-	-	-	-	-	-	-	1 1
Ditto	-	-	-	-	-	-	-	-	-	1 1
Madder Roots	-	19 18 9	-	-	-	-	-	-	-	1 1
Manufactures, (British)	-	1,431 5 4	-	-	-	-	-	-	-	1 1
Ditto	-	826 15 4	-	-	-	-	-	-	-	1 1
Marble, rough	-	-	-	-	-	-	-	-	-	1 1
Mats and Spars	-	-	-	-	-	-	-	-	-	1 1
Mats (fine)	-	-	-	-	-	-	-	-	-	1 1
Ditto (common)	-	-	-	-	-	-	-	-	-	1 1
Mill-stones	-	-	-	-	-	-	-	-	-	1 1
Mineral Water	-	-	-	-	-	-	-	-	-	1 1
Miscellaneous articles	-	36 3 6	-	-	-	-	-	-	-	1 1
Oars	-	2 6 6	-	-	-	-	-	-	-	1 1
Oil (Olive)	-	405 15 4	-	-	-	-	-	-	-	1 1
Ditto (in flasks)	-	2 11 8	-	-	-	-	-	-	-	1 1
Ditto (Linseed)	-	6 8 11	-	-	-	-	-	-	-	1 1
Olives (fine)	-	7 3 1	-	-	-	-	-	-	-	1 1
Ditto (common)	-	-	-	-	-	-	-	-	-	1 1
Olive Stones	-	14 16 2	-	-	-	-	-	-	-	1 1
Paste	-	17 - 3	-	-	-	-	-	-	-	1 1
Passil Herb (for incense)	-	-	-	-	-	-	-	-	-	1 1

RETURNS RELATIVE TO COUNCIL OF GOVERNMENT

STATEMENT OF THE SUMS COLLECTED THROUGH THE CUSTOM HOUSE & MALTA, BETWEEN THE YEARS 1825 AND 1834 INCLUSIVE.—continued.

YEARS.

ARTICLES.	YEARS.										TOTAL.	Observations.
	1825.	1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.		
Pepper	£. s. d. 23 11 8	£. s. d. 58 18 7	£. s. d. 28 13 11	£. s. d. 41 15 -	£. s. d. 22 14 8	£. s. d. 11 10 -	£. s. d. 3 8 10	£. s. d. 2 16 10	£. s. d. 27 - 6	£. s. d. 60 15 9	£. s. d. 281 5 9	-- This amount includes the Duty on canary seed, caravauses, chick peas, cumin seed, flax seed, grape seed, kidney beans, lentils, linseed, lupins, mustard seed, pease, same seed and vetches from 1825 to 1832, both years inclusive.
Pimento	-	-	-	-	-	-	-	-	-	-	8 11 9	
Pine Nuts	-	-	-	-	-	-	-	-	-	-	- 9	
Pipe Staves	-	-	-	-	-	-	-	-	-	-	57 17 11	
Pistachio Nuts	-	-	-	-	-	-	-	-	-	-	5 - 1	
Pitch, Tar and Rosin	-	-	-	-	-	-	-	-	-	-	114 15 6	
Platters (wooden)	-	-	-	-	-	-	-	-	-	-	4 1 3	
Potatoes	-	-	-	-	-	-	-	-	-	-	549 15 10	
Acorns	-	-	-	-	-	-	-	-	-	-	6 - 9	
Beans	-	-	-	-	-	-	-	-	-	-	3,633 1 10	
Canary Seed	-	-	-	-	-	-	-	-	-	-	1 7 2	-- Custom Duty on resolis, liquors and rum, abolished in 1833.
Caravauses	-	-	-	-	-	-	-	-	-	-	8 13 -	
Chicks Peas	-	-	-	-	-	-	-	-	-	-	13 2	
Cumin Seed	-	-	-	-	-	-	-	-	-	-	345 16 5	
Flax Seed	-	-	-	-	-	-	-	-	-	-	112 8 6	
Grape Seed	-	-	-	-	-	-	-	-	-	-	2 14 8	
Hemp Seed	-	-	-	-	-	-	-	-	-	-	- 10	
Kidney Beans	-	-	-	-	-	-	-	-	-	-	- 3	
Lentils	-	-	-	-	-	-	-	-	-	-	- 6 7	
Linseed	-	-	-	-	-	-	-	-	-	-	4 1 7	
Lupins	-	-	-	-	-	-	-	-	-	-	2 11 9	-- Custom Duty on resolis, liquors and rum, abolished in 1833.
Mustard Seed	-	-	-	-	-	-	-	-	-	-	1 - 3	
Peas	-	-	-	-	-	-	-	-	-	-	13 6	
Sesame Seed	-	-	-	-	-	-	-	-	-	-	2 10 1	
Vetches	-	-	-	-	-	-	-	-	-	-	19 6	
Pumice Stone	-	-	-	-	-	-	-	-	-	-	510 13 9	
Punk	-	-	-	-	-	-	-	-	-	-	77 12 3	
Puzzolana	-	-	-	-	-	-	-	-	-	-	516 14 2	
Need to dye with (curcuma)	-	-	-	-	-	-	-	-	-	-	8 14 6	
Rice	-	-	-	-	-	-	-	-	-	-	13 6	
Rods for basket making	-	-	-	-	-	-	-	-	-	-	1 1	-- This amount includes the Duty on canary seed, caravauses, chick peas, cumin seed, flax seed, grape seed, kidney beans, lentils, linseed, lupins, mustard seed, pease, same seed and vetches from 1825 to 1832, both years inclusive.
Rosoli and Liquors	-	-	-	-	-	-	-	-	-	-	1 1	
Rum	-	-	-	-	-	-	-	-	-	-	510 13 9	
Rush, for chair bottoms	-	-	-	-	-	-	-	-	-	-	1 4 -	
Saluatrone	-	-	-	-	-	-	-	-	-	-	77 12 3	
Salt	-	-	-	-	-	-	-	-	-	-	516 14 2	
Saltpetre	-	-	-	-	-	-	-	-	-	-	8 14 6	
Sausages (Meat)	-	-	-	-	-	-	-	-	-	-	13 6	
Senna	-	-	-	-	-	-	-	-	-	-	2 7 3	
Shells	-	-	-	-	-	-	-	-	-	-	28 13 7	
Shots (lead)	-	-	-	-	-	-	-	-	-	-	18 1	-- Custom Duty on resolis, liquors and rum, abolished in 1833.
Shumuck	-	-	-	-	-	-	-	-	-	-	16 5	
Silk (raw)	-	-	-	-	-	-	-	-	-	-	3 1 6	
Soap (hard)	-	-	-	-	-	-	-	-	-	-	19 3 3	
Ditto (soft)	-	-	-	-	-	-	-	-	-	-	84 4 1	
Spica Sceltica	-	-	-	-	-	-	-	-	-	-	170 14 4	
Spices (Olives and Ginger)	-	-	-	-	-	-	-	-	-	-	1 2 2	
Ditto (all other kinds)	-	-	-	-	-	-	-	-	-	-	104 8 9	
Spunges (fine)	-	-	-	-	-	-	-	-	-	-	4 3	
Ditto (common)	-	-	-	-	-	-	-	-	-	-	38 1 7	
Steel	-	-	-	-	-	-	-	-	-	-	60 1 10	-- British
Stick-lack	-	-	-	-	-	-	-	-	-	-	8 14 2	
Sugar (raw)	-	-	-	-	-	-	-	-	-	-	1,157 14 8	
Ditto (in leaves)	-	-	-	-	-	-	-	-	-	-	1,216 6 1	

Sugar (raw) -	104 13 10	320 17 6	362 5 11	230 7 7	151 5 10	172 7 11	138 13 4	156 12 3	403 12 4	350 9 7	2,411 6 1
Ditto (in loaves)	-	-	-	-	-	-	-	-	26	6 18 2	32 18 8
Sulphur (raw)	-	-	-	-	-	-	-	-	10	6 13 11	106 5 4
Ditto (in rolls)	21 13 7	31 7 6	5 4 10	11 15 7	1 10 6	4 2 10	12 4 9	7 17 1	-	3 10	3 14 8
Tallow	-	-	-	-	-	-	-	-	1 18 8	1 16	1 2 9
Tar	-	-	-	-	-	-	-	-	-	14 1	-
Tea (British East India Company's)	-	-	-	-	-	-	-	-	2 13 10	1 3 3	6 12
Ditto (Foreign)	44 19	109 2 2	75 8 2	90 6 7	79 14 7	78 16	13 3 7	51 12	101 2 8	172 9 7	816 14 4
Terra d'Ombra	-	-	-	-	-	-	-	-	-	1 2	-
Teeth (Elephant)	-	-	-	-	-	-	-	-	-	-	-
Ditto (Sea-horse)	-	-	-	-	-	-	-	-	-	-	-
Tin (in bars)	6 5	5 16 8	9 15 10	11 9 2	1 10	3 15	2 14 2	1 17 6	2 5 1	- 19 1	45 18 4
Tin Plates	-	-	-	-	-	-	3	5 4	1 5	11 16	21 5
Tobacco Leaf	44 4 2	108 9	59 4	80 7	30 7 1	86 17 9	131 7 8	99 5 9	78 16 4	85 4 7	803 19 8
Cigars	-	-	-	-	-	-	-	-	17 18	5 9 6	23 7 6
Snuff	-	-	-	-	-	-	-	-	-	1 3	5 5 3
Tobacco (prepared)	-	-	-	-	-	-	-	-	26 16 11	20 6 11	167 8
Ditto (Negrohead)	-	-	-	-	-	-	-	-	139 18 9	49 6 7	189 5 4
Tow	-	-	-	-	-	-	-	-	2 15 8	6 6 1	13 15 5
Tracle and Molasses	6 7	1 13 10	16 8	2 16	4 13 8	- 4 3	-	-	24 13 5	20 2 8	50 13 5
Trona	-	-	-	-	-	-	-	-	-	4 6	- 1 6
Turpentine	-	-	-	-	-	-	-	-	-	-	-
Valonea	5 3	9 12 10	2 11 5	- 6	2 2	- 2 9	- 12 1	-	- 5 3	-	20 12 7
Vermilion	1 11 2	10 19 2	15 4 9	4 5 5	- 18 4	3 11	- 3 1	-	-	-	36 12 11
Vinegar	13 18	9 1 11	7 18 4	6 10 9	15 7 3	8 2 7	8 3 9	8 11 1	-	-	77 13 8
Violet Wood	-	-	-	-	-	-	-	-	-	- 5 10	- 5 10
Walnut Wood	-	-	-	-	-	-	-	-	-	- 12	- 16 9
Wax (yellow)	-	-	-	-	-	-	-	-	-	-	-
Ditto (white)	23 9 4	38 9	36 5 7	13 5 10	10 3 9	28 15 3	20 18 9	15 14 2	15 2 3	8 3 7	226 6 9
Wheat	672 7 11	1,183 8 7	1,174 14 8	1,139 9 4	719 2 9	896 5 11	1,300 14 6	1,046 17 1	16 14 7	-	8,149 15 4
Wine	1,325 7 2	1,330 19 7	1,171 11 9	1,417 14 8	1,422 12 11	1,558 5 10	1,406 18 2	1,263 3 4	-	-	10,896 13 5
Wolf Skins	-	-	-	-	-	-	-	-	-	-	-
Deals (thick)	7 19 7	3 3 6	2 19 4	13 2 5	13 5 7	7 7 11	10 8 11	11 2 11	2 4 11	1 16 1	73 11 2
Ditto (middle-sized)	-	-	-	-	-	-	-	-	5 4 9	5 9 3	513 15 2
Ditto (thin)	49 15 8	46 7 11	66 7 2	96 10 4	30 9	35 17 5	42 6 1	35 8 2	60 8 1	39 11 4	101 15 8
Rafers	9 14	6 11 6	10 2 6	13 13 3	8 10 2	11 8 7	13	4 1 8	13 4 9	11 8 7	418 6
Ship Timber	30 2 10	50 4 8	52 2 4	41 4	34 12 10	11 18	35	56 3 6	63 17	42 14 7	2 5 11
Mahogany	-	-	-	-	-	-	-	-	1 12 9	- 13 2	3 6 1
Lignum-vita	-	-	-	-	-	-	-	-	-	-	-
Penumbuco	-	-	-	-	-	-	-	-	-	-	-
Logwood	2 17 8	1 14 2	1 17 10	2 10 3	- 14	2 16 4	2 17 11	2 6 2	3 9	3 1	23 16 1
Woods for dying	-	-	-	-	-	-	-	-	1 14 1	1 9 1	3 3 2
Firewood	59 19 9	74 17	56 14	25 7	47 17 10	16 3 11	38 12 2	41 12 6	187 18 9	331 14 3	909 17 2
Wool, Sheep's and Goats'	42 2 11	32 17 2	6 7 4	9 10	2 4 7	6 13 7	1	7 6 1	- 16 9	1 10	110 9 2
Zappino (a bark for dying)	-	-	-	-	-	-	-	-	-	-	-
Store Rent on Goods bonded	232 1 7	195 3 6	232 10 10	361 14 10	198 14	167 2 10	109 7	98 10	213 9 8	374 7 1	2,172 13 4
Certificates	35 4 2	46 17 6	75 12 6	79 11 8	93 10 10	119 11 8	124 7 6	73 19 2	117 5 10	153 19 2	920
Printed Forms	6 3 4	8 3 2	12 2 10	13	12 15 4	9 18 8	12 10	17	16 5 1	18 1 10	126
Fines and Forfeitures	10 9 2	55 6 10	245 3 7	5 15 9	12 2 10	10 2	11	25	-	-	365 8 6
Port Dues	-	-	-	-	-	-	-	-	-	-	-
{ During these years the Port Dues were collected through the Office of Port Dues, but that Office was consolidated with the Custom House in 1831 }											
	7,322 4 5	7,943 10 1	8,176 16 8	9,947 19 1	9,685 5 5	8,875 10 11	8,871 7 1	10,700 6	12,107 13 11	14,217 3 11	97,797 17 6*

* From this Total should be deducted £.6,847 10s. 6½d., being amount of Duties [vide Return A.] repaid to the Deputy Commissary General of the Troops, and to the Agent Victualler of the Navy, levied on Supplies imported for the use of His Majesty's Land and Sea Forces, and of Sums repaid to private Individuals as Drawbacks on Goods re-exported, and for Bounties on Seizures.

B. J. Bouchier, Collector.

Custom House, Malta, Nov. 16, 1835.

Wm. Hy. Thornton, Audr. Genl.

The above Annual Totals agreed, amounting together to £. 97,797 17s. 6d. sterling.
Valletta, 7 Dec. 1835.

ACCOUNT of all EXPENSES on COLLECTION incurred
in the CUSTOM HOUSE at Malta, between the
Years 1825 and 1834 inclusively.

Years.	Salaries.	Gratuities.	Boat-hire, repairing steel- yards, sub- scription to the Weekly Sales and Prices Current, Bonding Stores, Expenses and Minor Charges.	TOTAL.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1825	1,281 13 4	16 13 4	11 16 6	1,310 3 2
1826	1,317 6 -	16 13 4	13 10 9	1,347 10 1
1827	1,313 47 5	50 -	13 12 8	1,382 12 1
1828	1,113 -	16 13 4	19 17 2	1,149 10 6
1829	1,113 -	16 13 4	12 11 7	1,142 4 11
1830	1,143 -	16 13 4	17 - 6	1,146 13 10
1831	1,089 3 8	36 13 4	10 19 7	1,136 16 7
1832	1,103 14 3	452 17 9	14 9 11	1,271 1 11
1833	1,110 3 -	- - -	17 1 -	1,127 4 -
1834	1,117 11 -	- - -	23 3 4	1,137 15 4
£.	11,672 8 8	322 19 9	156 3 -	12,151 11 5

Annual Totals agreed (amounting together to £.12,151. 11. 5.)

Wm Hy Thornton, Audr Genl.

B. J. Bourchier, Collector.

RETURN (A.)

DRAWBACKS and BOUNTIES paid to the DEPUTY COMMISSARY GENERAL, AGENT VICTUALLER and PRIVATE INDIVIDUALS,
between the Years 1825 and 1834 inclusively.

ARTICLES.	YEARS.										TOTAL.
	1825.	1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.	
Barley	£. s. d. 5 13 7	£. s. d. 15 12 4	£. s. d. 2 19 5	£. s. d. 2 - 3	£. s. d. 2 13 8	£. s. d. 10 1 10	£. s. d. 14 - 8	£. s. d. 6 17 3	£. s. d. 2 9 6	£. s. d. - - -	£. s. d. 62 8 6
Cattle	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Bounties on Seizure	4 15 4	18 17 1	80 14 1	1 17 8½	673 - -	933 15 -	832 10 -	670 15 -	642 15 -	770 12 -	4,647 7 -
Carrubs	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Cocoa	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Coals	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Caravances	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Cheese	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Firewood	- - -	- - -	9 3 10	14 9 9	7 14 11	15 15 7	26 19 5	19 6 4	48 - 8	33 15 1	37 16 -
Gunpowder	- - -	- - -	- - -	- - -	3 - 9	3 13 6	3 19 6	- - -	6 13 11	- - -	175 5 7
Indian Corn	- - -	3 13 11	- - -	- - -	- - -	1 3 4	- - -	2 10 10	- - -	- - -	17 7 8
Lemon Juice	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	3 9 6	2 11 1½	7 - 7½
Oil	- - -	- - -	5 18 2½	11 11 1	12 12 4	12 18 2	11 3 6½	10 - 5½	8 6 5½	10 17 9½	83 8 5
Port Charges	- - -	- - -	- - -	- - -	- - -	- - -	- - -	2 19 -	9 1 5	- 4 -	12 - 4 -
Pepper	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	1 - -	- - -	1 5 -
Reisins	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Rice	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Spirits	6 15 11	3 4 -	2 2 7	3 11 6	9 15 1	6 17 10	3 2 7	- - -	- - -	- 16 -	35 9 6
Sugar	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Tobacco	- - -	- - -	5 11 10	- - -	- - -	- - -	10 1 8	7 18 9½	2 6 -	68 9 9½	113 42 9
Wine	31 3 5	34 10 -	55 3 1½	1107 4 10	185 9 9	154 19 3	76 2 1	- - -	- 1 7 -	- - -	5 11 10
Wheat	7 2 10	28 2 9	65 8 8½	70 3 3	106 12 8½	116 10 10½	300 10 7½	137 13 2½	33 7 10	- - -	865 12 10½
Wooden Hoops	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- 1 1	- - -	- 1 1
£	55 11 1	104 - 1	227 1 9½	334 8 4½	1,005 - 1½	1,255 15 4½	1,388 7 7½	1,860 3 11½	1,824 5 1½	1,892 16 11½	6,847 10 6½

Annual Totals agreed (amounting together to £.6,847. 10. 6½.)

Wm Hy Thornton, Audr Genl.

B. J. Bourchier, Collector.

Enclosure No. 6, in No. II.

STATEMENT of all DUTIES collected by the Excise at *Malta*, between the Years 1825 and 1834 inclusively.

YEAR.	DUTY ON				TOTAL.
	WINES.	VINEGAR.	SPIRITS.	STORE RENT.	
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1825 - - -	9,755 13 2	152 14 2	1,031 5 3	15 4 2	10,954 16 9
1826 - - -	9,383 2 2	98 19 5	667 10 3	52 13 4	10,202 5 2
1827 - - -	8,687 4 8	90 4 11	1,146 1 4	60 16 11	9,984 7 10
1828 - - -	12,398 4 7	85 5 8	2,962 - 7	95 7 2	15,540 18 -
1829 - - -	12,282 6 10	200 4 1	3,082 - 6	181 5 2	15,745 16 7
1830 - - -	13,956 8 8	105 9 1	2,785 19 8	173 - 3	17,020 17 8
1831 - - -	12,585 10 10	106 14 -	1,495 3 4	117 10 5	14,304 18 7
1832 - - -	11,694 14 2	107 17 2	2,599 14 10	94 1 10	14,496 8 -
1833 - - -	13,910 11 4	65 14 11	2,158 18 9	60 - -	16,195 5 -
1834 - - -	13,750 15 8	348 13 1	2,625 12 4	90 9 4	16,815 10 5
£.	118,404 12 1	1,361 16 6	20,554 6 10	940 8 7	*141,261 4 -

* From this Total should be deducted £. 7,291. 17s. 4d., being amount of duties (*see below*, Return B.) repaid to the Deputy Commissary General of the Troops and to the Agent Victualler of the Navy, levied on Wine and Spirits imported for the use of His Majesty's land and sea forces, and of sums repaid to private individuals as drawbacks on Wine and Spirits re-exported, which will reduce the net receipts to £. 133,969. 6s. 8d.

Custom House, Malta, Nov. 16, 1835.

B. J. Bouchier, Collector.

The foregoing Annual Totals agreed (amounting together to £. 141,261. 4s.)

Valletta, 7th December 1835.

W^m H^y Thornton, Auditor General.ACCOUNT of all EXPENSES ON COLLECTION incurred in the EXCISE OFFICE at *Malta*, between the Years 1825 and 1834, inclusively.

YEAR.	SALARIES.	GRATUITIES.	Subscription to Price Current, Bonding Stores and Incidental Expenses.	TOTAL.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1825 - - -	570 9 4½	- - -	3 10 11½	574 - 3½
1826 - - -	570 9 5	- - -	3 18 1	574 7 6
1827 - - -	535 19 10	- - -	5 - 3	541 - 1
1828 - - -	308 14 -	- - -	143 8 8	452 2 8
1829 - - -	323 14 -	- - -	8 6 8	332 - 8
1830 - - -	326 14 -	78 4 -	5 - -	409 18 -
1831 - - -	326 14 -	- - -	5 - -	331 14 -
1832 - - -	372 8 -	- - -	5 - -	377 8 -
1833 - - -	472 8 -	- - -	5 11 1	477 19 1
1834 - - -	440 13 -	- - -	4 - -	444 13 -
£.	4,248 3 7½	78 4 -	188 15 8½	4,515 3 3½

Annual Totals agreed (amounting together to £. 4,515. 3s. 3½d.)

W^m H^y Thornton, Auditor General.

RETURN (B.)

DRAWBACKS paid to the DEPUTY COMMISSARY GENERAL, AGENT VICTUALLER and PRIVATE INDIVIDUALS, between the Years 1825 and 1834 inclusively.

YEAR.	ON		TOTAL.
	WINES.	SPIRITS.	
	£. s. d.	£. s. d.	£. s. d.
1825 - - -	365 2 9½	180 2 -	545 4 9½
1826 - - -	440 18 4½	60 11 3	501 9 7½
1827 - - -	462 15 10	36 11 10	499 7 8
1828 - - -	963 - 3	48 17 10	1,011 18 1
1829 - - -	1,937 9 10	113 13 8	2,051 3 6
1830 - - -	1,077 4 2	610 19 10	1,688 4 -
1831 - - -	760 9 2	69 7 5	829 16 7
1832 - - -	11 5 -	- - -	11 5 -
1833 - - -	3 12 2	34 15 10	83 8 -
1834 - - -	62 16 2	2 3 11	65 - 1
£.	6,084 13 9	1,207 3 7	7,291 17 4

Annual Totals agreed (amounting together to £. 7,291. 17s. 4d.)

W^m H^y Thornton, Auditor General.

Enclosure, No. 7, in No. II.

RETURN of the SUMS COLLECTED in the QUARANTINE DEPARTMENT, from 1 January 1825 to 31 December 1834 inclusive.

HEAD OF RECEIPT.	1825.		1826.		1827.		1828.		1829.		1830.		1831.		1832.		1833.		1834.	
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.
Shipping in Quarantine - - - -	2,772	14 3	2,587	4 4	3,507	4 3	3,635	17 3	3,388	8 2	2,941	15 -	4,096	15 -	5,216	- -	3,092	5 6	2,433	19 -
Effects undergoing Quarantine, viz.:—																				
Depuration of Susceptible Goods - - -	623	2 3	839	4 8	435	14 4	446	18 8	292	13 9	287	7 8	281	15 8	167	- -	192	16 8	262	6 8
One per Cent. on ditto - - - -	492	4 8	197	14 7	228	14 3	328	12 9	83	11 4										
Half per Cent. on Non-Susceptible Goods -	679	7 5	738	12 4	1,053	12 6	859	14 9½	597	12 10	843	7 3	1,268	12 2	1,692	6 11	216	18 5	166	18 3
Dues on Cattle landed in the Lazaretto -	286	19 7	411	7 1	359	1 3	459	7 1	596	17 6	582	12 -	572	5 -	426	15 -	446	18 -	506	16 -
Ditto on Goods left in the Lazaretto beyond the time limited for removal - - - -	80	13 7	- 19	9	129	10 5	97	11 7	122	2 2										
Persons performing Quarantine in the Lazaretto -	124	13 4	123	15 10	136	7 6	174	16 4	152	- 10	155	12 3	257	12 7	172	7 1	172	4 10	250	8 3
Fees on Documents issued under the Office Seal -	32	18 4	31	5 -	40	- -	41	13 4	38	15 -	43	10 10	66	- 10	90	16 8	91	5 -	99	10 -
New Mole Duty on Goods landed or shipped therefrom - - - -	8	4 3	2	8 3	- 16	8	26	15 7	2	- 8										
Boat-hire on packages removed from the Great Harbour to the Lazaretto - - - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	26	14 -	9	19 -						
£.	5,100	17 8	4,932	11 10	5,892	1 2	6,071	7 4½	5,274	2 3	4,880	19 -	6,553	- 3	7,765	5 8	4,212	8 5	3,717	18 2

Annual Totals agreed with those resulting from the audited Accounts.

W^m Hy Thornton,Aud^r Genl.

Quarantine Department, Malta.

H. Greig,
Superintendent of Quarantine.

AND CUSTOMS AND EXCISE DUTIES, MALTA.

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HEADS OF EXPENDITURE.	1825.	1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.
SALARIES -	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Pay of Guardians attending Ships, Passengers and Goods in Quarantine -	2,752 16 2	2,833 9 2½	2,833 18 -	2,826 16 9	2,802 18 3	2,803 - -	2,803 - -	2,692 11 9	2,760 17 10	2,805 12 -
Ecclesiastical Duties -	1,555 19 2	1,817 12 11	1,971 7 -	1,555 18 7½	1,565 17 4	1,572 10 8	1,590 5 4	1,697 10 5	1,659 4 7	1,633 11 6
Allowance to the Superintendent in lieu of two rations of Forage, &c. -	12 12 1	13 5 5	13 3 4	12 10 10	12 17 1	13 3 4	13 1 3	13 3 4	12 17 1	12 12 11
Repair of the Transporting Buoys -	76 - 10	76 - 10	76 - 10	31 13 4	7 13 1	10 - -	10 - -	10 - -	10 - -	10 - -
Petty Expenses -	4 11 5	17 8 9½	267 14 -¾	- - -	10 - -	39 19 5	178 4 10	173 5 9	130 14 3	112 10 1
Guard Boats placed over Ships in Quarantine -	10 1 2	11 13 9	10 - -	10 - -	43 14 2	15 6 10	46 18 6	24 13 -	61 19 4	45 11 10
Utensils for fumigation, and other articles for the Lazaretto -	20 14 2	65 3 -	76 18 10	64 2 6	17 18 6	26 7 5	27 14 2	18 12 11	25 - -	20 15 -
Ingredients for fumigation -	13 17 3	11 11 6	51 19 9	23 9 8	21 16 9	100 - -	100 - -	50 - -	- - -	- - -
Pay of the Secretary to the Board of Health -	45 2 8	24 15 10	44 7 1	17 5 -	100 - -	4 10 -	1 - -	7 18 -	8 11 11	17 7 -
Depuration of Apartments and digging of Graves in the Lazaretto -	- - -	73 17 9	100 - -	100 - -	4 15 -	6 5 10	- - -	- - -	- - -	- - -
Pension of one of the Barrier Keepers -	- - -	- - -	20 10 2	4 7 6	15 4 2	- - -	- - -	- - -	- - -	- - -
Expenses for deputation the Russian Frigate, "Lasiore," in 1828, and His Majesty's Corvette, "Tyne," in 1834 -	- - -	- - -	- - -	3 10 -	- - -	- - -	- - -	- - -	- - -	- - -
Pay of the Keeper of the Loradino Parlatorio -	- - -	- - -	- - -	76 13 -	- - -	- - -	- - -	- - -	- - -	- - -
Ditto - of two Letter Sorters -	- - -	- - -	- - -	9 2 9	40 - -	50 - -	50 - -	50 - -	25 - -	19 10 -
Allowance to the Clerk attending at the Loradino Parlatorio -	- - -	- - -	- - -	15 12 6	- - -	- - -	- - -	- - -	- - -	- - -
Furniture for the Lazaretto -	- - -	- - -	- - -	10 - -	6 - -	6 - -	6 - -	6 - -	3 - -	- - -
Maintenance of Persons infected with Small Pox in the Lazaretto -	- - -	- - -	- - -	- - -	3 13 10	10 - -	16 17 10	10 - -	15 - -	10 17 -
Allowance to the Captain of the Lazaretto in lieu of house-rent -	- - -	- - -	- - -	- - -	- - -	10 13 4½	- - -	- - -	- - -	- - -
Ditto - to Medical Men employed by the Board of Health -	- - -	- - -	- - -	- - -	- - -	18 15 -	- - -	- - -	- - -	- - -
Calesse hire for the Quarantine Officers sent to the different Bays -	- - -	- - -	- - -	- - -	- - -	- - -	11 - -	13 3 4	19 15 -	- - -
Remuneration to the Secretary of the Board of Health -	- - -	- - -	- - -	- - -	- - -	- - -	2 5 -	2 5 -	5 6 8	9 12 10
Ditto - for translating Greek Bills of Health -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	50 - -	47 2 -	25 19 4
Quarantine Charges refunded -	4 3 4	3 5 -	4 1 8	6 3 6	5 8 11	- - -	- - -	3 15 -	1 10 -	3 15 -
£.	4,495 18 3	4,948 4 -	5,470 - 8½	4,767 5 11½	4,657 17 1	4,686 11 10½	4,856 6 11	4,822 18 6	4,785 18 8	4,727 14 6

Annual Totals agreed with those resulting from the audited Accounts.

W^m Hy Thornton, Aud^r Gen.

Quarantine Department, Malta.

H. Greig,
Sup^t of Quarantine.

M A L T A.

R E T U R N S

RELATING TO

COUNCIL OF GOVERNMENT,

AND

CUSTOMS AND EXCISE DUTIES

(*Mr. Ewart.*)

*Ordered, by The House of Commons, to be Printed,
19 February 1836.*

534

COLONIAL EXPENDITURE AND REVENUES.

— No. 1. —

GENERAL ABSTRACT of the COLONIAL EXPENDITURE, by *Great Britain*, in the
Year 1834-35. (MILITARY, CIVIL and NAVAL.)

Appendix (A.)—MILITARY EXPENDITURE.

— (B.)—CIVIL EXPENDITURE.

— (C.)—NAVAL EXPENDITURE.

— No. 2. —

GENERAL ABSTRACT of the REVENUES, &c. of the Local Governments, in the
Year 1834.

— No. 3. —

GENERAL ABSTRACT of EXPENDITURE, by the Local Governments, from Colonial
Resources, in the Year 1834.

Whitehall, Treasury Chambers, }
18 August 1836. }

F. BARING.

Ordered, by The House of Commons, to be Printed,
19 August 1836.

GENERAL ABSTRACT OF COLONIAL EXPENDITURE by GREAT BRITAIN, in the Year 1834-35.

	Military Charges.		Military Deductions.		Net Military Expenditure.		Civil Charges.		Civil Deductions.		Net Civil Expenditure.		Naval Expenditure.		Total Expenditure for Military, Civil and Naval Establishments.		Advances in aid of Colonial Revenues.		Repayments from Colonial Revenues and Post Office Collections.		Total Expenditure incurred by Great Britain.	
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.
MILITARY AND MARITIME STATIONS:																						
Gibraltar	149,136	1 3	7,080	1 5	142,055	18 7	559	2 10	229	7 9	329	15 1	375	2 7	142,769	15 8	-	-	-	-	142,760	15 8
Malta	112,692	1 3	15,803	10 5	96,888	10 5	472	19 -	423	1 6	49	17 6	6,636	10 7	103,571	18 6	-	-	-	-	103,574	18 6
Cape of Good Hope	139,391	7 7	4,813	19 11	134,577	7 8	330	-	-	-	330	-	4,285	2 7	139,192	10 3	-	-	-	-	139,192	10 3
Mauritius	105,517	14 5	9,224	4 4	96,293	10 1	745	2 -	-	-	715	2 -	-	-	97,038	12 1	-	-	17,000	-	80,038	12 1
Bermuda	50,635	17 11	2,247	1 3	48,388	16 8	32,051	19 6	2,139	4 6	29,915	15 -	14,300	7 1	92,604	18 9	-	-	-	-	92,604	18 9
Fernando Po	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ascension	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Heligoland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ionian Islands	165,151	19 11	23,406	11 4	141,745	8 7	1,776	19 1	-	-	1,776	19 1	-	-	1,776	19 1	-	-	-	-	1,776	19 1
St. Helena	-	-	-	-	-	-	-	-	-	-	-	-	-	-	60,000	-	-	-	-	-	60,000	-
PLANTATIONS AND SETTLEMENTS:																						
Jamaica	261,508	4 9	29,609	16 -	231,898	8 9	44,812	9 1	42,272	- 1	2,540	9 -	3,262	- 7	237,700	18 4	-	-	10,075	- -	227,625	18 4
Bahamas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Honduras	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Barbadoes	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Grenada	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
St. Vincent	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Tobago	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Antigua	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Montserrat	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
St. Christopher's	868,290	16 -	10,828	15 2	377,462	- 10	77,779	5 2	93,487	6 3	-	-	439	12 7	377,901	13 5	-	-	15,708	- 1	362,193	13 4
Nevis	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Anguilla	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Virgin Islands	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dominica	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
St. Lucia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Trinidad	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
British Guiana	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lower Canada	229,865	17 5	11,691	16 5	217,774	1 -	43,652	16 6	40,714	7 7	2,938	8 11	860	14 -	221,573	3 11	-	-	-	-	231,425	- 11
Upper Canada	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nova Scotia	147,296	12 9	9,877	17 9	137,418	15 -	47,310	5 1	31,339	13 11	16,970	9 2	4,671	3 11	165,000	8 1	-	-	-	-	155,538	12 1
New Brunswick	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Prince Edward's Island	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Newfoundland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sierra Leone	25,280	17 11	1,047	8 6	24,233	9 5	17,422	6 11	-	-	17,422	6 11	1,500	- -	43,155	13 4	-	-	-	-	43,155	16 4
Gambia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cape Coast	131,038	7 5	16	15 1	131,021	12 4	1,750	- -	-	-	1,750	- -	-	-	1,750	- -	-	-	-	-	1,750	- -
Ceylon	9,838	4 3	1,147	8 4	8,690	15 11	589	- -	-	-	539	- -	1,985	4 2	135,545	16 6	-	-	-	-	137,263	6 5
Western Australia	-	-	-	-	-	-	15,000	13 -	5,755	9 1	9,245	3 11	-	-	17,935	19 10	-	-	-	-	17,935	19 10
PENAL SETTLEMENTS:																						
New South Wales	122,845	2 1	14,641	8 8	108,203	13 5	347,593	17 11	52,58	4 10	342,335	13 1	-	-	450,539	6 6	-	-	12,964	18 10	420,353	12 7
Van Diemen's Land	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
General Charges	27,685	7 8	-	-	27,685	7 8	4,090	- -	-	-	4,090	- -	-	-	31,685	7 8	-	-	17,220	15 1	31,685	7 8
£.	2,065,674	11 4	141,336	15 -	1,924,337	16 4	610,672	7 9	221,618	16 6	434,161	11 4	42,322	13 1	2,460,822	- 9	44,017	10 11	72,968	14 -	2,431,900	17 8

Whitehall, Treasury Chambers,
18 August 1836.

Less, Surplus Deductions, carried to 10th Column - - - - -
N. B.—Classed Expenditure - - - - - £. 2,400,822 - 9
St. Helena - - - - - 60,000 - -
£. 2,460,822 - 9

Note.—For a detail of the above Charges, (Military, Civil and Naval.) see the following Appendices, marked (A.), (B.) and (C.)

ABSTRACT OF REVENUES AND EXPENDITURE OF

*

ORDINARIES OF THE ARMY.				ORDNANCE CHARGES.															
Regimental Pay, Clothing, Contingencies and Hospital Charges, exclusive of Stoppages for Provisions.		Pay of General and Medical Staff, Garrison Officers and Chaplains.		Pay and Allowances of Artillery and Engineers.		Pay and Allowances of Civil Departments of Ordnance.		Contingent Expenses of Civil Military Branches of Ordnance.		Ordnance Stores.		Military Works.		Pay and Allowances of Barrack Department.		Construction and Repairs of Barracks and Military Buildings.		Barrack Stores.	
£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.
MILITARY AND MARITIME STATIONS:																			
Gibraltar	62,856 13 6	5,271 1 8	19,719 -	3,353 -	3,900 -	1,149 -	825 -	3,064 -	523 -										
Malta	66,293 3 10	2,425 9 3	8,599 -	2,740 -	1,641 -	812 -	2,115 -	2,270 -	919 -										
Cape of Good Hope	47,674 18 5	4,487 6 6	6,854 -	2,915 -	2,885 -	1,064 -	387 -	3,775 -	28 -										
Mauritius	55,182 14 8	3,155 14 10	6,981 -	1,918 -	1,255 -	213 -	5,504 -	5,071 -	405 -										
Bermuda	16,890 4 8	669 6 5	8,266 -	1,061 -	1,280 -	72 -	4,671 -	737 -	-										
Fernando Po	-	-	-	-	-	-	-	-	-										
Ascension	-	-	-	-	-	-	-	-	-										
Heligoland	-	-	-	-	-	-	-	-	-										
Ionian Islands	94,183 - 11	3,535 -	9,963 -	1,229 -	620 -	459 -	21,998 -	188 -	558 -										
PLANTATIONS AND SETTLEMENTS:																			
Jamaica Command:																			
Jamaica	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bahamas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Honduras	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Windward and Leeward Islands Command:																			
Barbadoes	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Grenada	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
St. Vincent	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Tobago	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Antigua	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Montserrat	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
St. Christopher's	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nevis	151,277 3 5	13,307 17 9	16,884 -	10,089 -	6,752 -	2,954 -	1,209 -	3,340 -	16,207 -	2,539 -									
Anguilla	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Virgin Islands	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dominica	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
St. Lucia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Trinidad	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
British Guiana	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lower Canada	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Upper Canada	65,391 9 1	8,491 4 -	18,223 -	5,857 -	5,532 -	731 -	53,062 19 5	2,641 -	4,197 -	719 -									
Nova Scotia Command:																			
Nova Scotia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New Brunswick	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Prince Edward's Island	60,493 19 1	5,493 17 1	16,292 -	4,499 -	3,887 -	753 -	8,519 -	1,166 -	2,406 -	1,660 -									
Newfoundland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sierra Leone	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Gambia	11,586 - 10	712 10 10	-	736 -	147 -	176 -	-	290 -	356 -	-	-	-	-	-	-	-	-	-	-
Ceylon	93,736 17 10	3,911 4 7	8,110 -	2,608 -	1,690 -	1,612 -	-	-	172 -	-	-	-	-	-	-	-	-	-	-
Western Australia*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PENAL SETTLEMENTS:																			
New South Wales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Van Diemen's Land	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
General Charges	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
£.	901,045 5 8	60,225 11 6	131,215 -	39,777 -	31,616 -	10,660 -	98,290 19 5	11,099 -	42,333 3 6	9,563 -									

* The expense of the troops at this station is included under the New South Wales Command.

COMMISSARIAT AND ARMY EXTRAORDINARIES.					Transport of Troops and Stores.	Provisions and Stores sent from England, with Surplus Stores delivered from Transports.	TOTAL CHARGES incurred	Deductions for Stoppages from Ordnance, and Officers' Servants, Rent of Military Lands and Buildings, Premiums on Bills, and Payments from Colonial Resources.	ACTUAL COST to GREAT BRITAIN.	
Commissariat and Passage Allowances.	Provisions, Forage and Fuel, Commissariat Incidents, Stores and Freight of Specie from England.	Contingent Expenses of Military Departments, and Special Allowances and Pay of Pioneers.	Army Vessels.							
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
1,469 14 3	27,412 13 6	448 2 11	-	6,444 15 11	12,025 18 3	149,136 - -	7,080 1 5	112,035 18 7		MILITARY AND MARITIME STATIONS:
1,647 1 3	19,946 14 6	130 17 2	-	1,250 7 11	1,186 7 4	112,692 1 3	15,803 10 10	96,888 10 5		Gibraltar.
2,039 15 9	48,586 2 1	15,818 8 9	-	2,229 16 1	-	139,391 7 7	4,813 19 11	131,577 7 8		Malta.
1,044 16 3	20,697 10 7	1,235 4 5	-	2,311 13 8	-	105,517 14 5	9,224 4 4	96,293 10 1		Cape of Good Hope.
757 18 3	6,695 6 8	650 5 8	-	3,982 18 10	4,668 17 5	50,635 17 11	2,247 1 3	48,388 16 5		Mauritius.
-	-	-	-	-	-	-	-	-		Bermuda.
-	-	-	-	-	-	-	-	-		Fernando Po.
-	-	-	-	-	-	-	-	-		Ascension.
1,175 3 11	24,847 - -	2,484 - 8	-	1,267 10 11	2,315 3 6	165,151 19 11	23,406 11 4	141,745 8 7		Heligoland.
										Ionian Islands.
										PLANTATIONS AND SETTLEMENTS:
2,239 14 6	70,901 19 11	28,211 9 1	190 1 5	4,314 4 5	5,370 19 2	261,508 4 9	29,609 16 -	231,898 8 9		Jamaica Command:
										Jamaica.
										Bahamas.
										Honduras.
										Windward and Leeward Islands Command:
9,805 6 10	78,630 5 -	21,567 12 5	1,808 12 5	14,149 17 9	36,270 - 5	368,290 16 -	10,828 15 2	377,462 - 10		Barbadoes.
										Grenada.
										St. Vincent.
										Tobago.
										Antigua.
										Montserrat.
										St. Christopher's.
										Nevis.
										Anguilla.
										Virgin Islands.
										Dominica.
										St. Lucia.
										Trinidad.
										British Guiana.
8,134 7 1	42,561 - 10	11,743 14 1	-	2,068 3 -	12 19 11	229,365 17 5	11,591 6 5	217,774 1 -		Lower Canada.
										Upper Canada.
										Nova Scotia Command:
3,172 8 3	28,019 3 2	3,398 - 3	-	6,250 13 3	1,277 11 8	147,296 12 9	9,877 17 9	137,418 13		Nova Scotia.
										New Brunswick.
										Prince Edward's Island.
										Newfoundland.
1,355 13 6	4,637 13 4	1,689 7 -	-	1,094 4 11	2,500 7 6	25,280 17 11	1,047 8 6	24,233 9 5		Sierra Leone.
-	13,633 10 10	120 10 6	-	5,431 - 4	10 3 4	131,038 7 5	16 15 1	131,021 12 4		Gambia.
456 8 6	4,296 3 11	951 15 6	-	-	971 12 10	9,838 1 3	1,147 8 4	8,690 15 11		Ceylon.
										Western Australia.
										PENAL SETTLEMENTS:
6,202 15 9	51,819 7 1	8,063 12 -	-	-	1,219 5 6	122,845 2 1	14,641 8 8	108,203 13 5		New South Wales.
										Van Diemen's Land.
										General Charges.
40,301 4 1	412,084 11 5	96,513 - 5	1,998 13 10	57,580 7 -	90,771 14 6	2,065,674 11 4	141,336 15 -	1,924,337 16 4		

Whitehall, Treasury Chambers,
18 August 1836.

Appendix (B.)

STATEMENT of EXPENDITURE by Great Britain for CIVIL

	Passage	CONVICT ESTABLISHMENTS AND CHARGES.					Colonial	Ecclesiastical
	Allowances for Governors and other Officers.	Transport of Convicts and of Stores for Convict Departments.	Provisions and Stores for Convicts on Passage.	Provisions, Clothing, Stores and Tools for Convict Departments, and Miscellaneous Expenses.	Es'ablistments for Superintendence of Convicts, Police and Gaols in Penal Settlements.	Establishments and Expenses from special Parliamentary Grants, including Indian Department in Canada.	Establishments by Parliamentary Grants.	
MILITARY AND MARITIME STATIONS:	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Gibraltar	- - -	- - -	- - -	- - -	- - -	- - -	- - -	
Malta	- - -	- - -	- - -	- - -	- - -	- - -	- - -	
Cape of Good Hope	- - -	- - -	- - -	- - -	- - -	- - -	- - -	
Mauritius	702 2 -	- - -	- - -	- - -	- - -	- - -	- - -	
Bermuda	- - -	- - -	- - -	19,192 7 10	4,441 18 2	5,124 9 10	250 - -	
Fernando Po	- - -	- - -	- - -	- - -	- - -	4,272 11 8	- - -	
Ascension	- - -	- - -	- - -	- - -	- - -	- - -	- - -	
Heligoland	- - -	- - -	- - -	- - -	- - -	375 - -	- - -	
Ionian Islands	- - -	- - -	- - -	- - -	- - -	- - -	- - -	
St. Helena	- - -	- - -	- - -	- - -	- - -	- - -	- - -	
PLANTATIONS AND SETTLE- MENTS:								
Jamaica Command:								
Jamaica	1,257 2 -	- - -	- - -	- - -	- - -	- - -	- - -	
Bahamas	200 - -	- - -	- - -	- - -	- - -	3,927 4 9	6,772 3 1	
Honduras	- - -	- - -	- - -	- - -	- - -	- - -	- - -	
Windward and Leeward Islands Command:								
Barbadoes	375 7 9	- - -	- - -	- - -	- - -	3,300 - -	- - -	
Grenada	- - -	- - -	- - -	- - -	- - -	1,291 5 -	- - -	
St. Vincent	- - -	- - -	- - -	- - -	- - -	1,212 10 -	- - -	
Tobago	- - -	- - -	- - -	- - -	- - -	1,338 7 10	- - -	
Antigua	7 10 -	- - -	- - -	- - -	- - -	3,450 - -	- - -	
Montserrat	- - -	- - -	- - -	- - -	- - -	- - -	- - -	
St. Christopher's	- - -	- - -	- - -	- - -	- - -	887 10 -	12,353 15 -	
Nevis	- - -	- - -	- - -	- - -	- - -	- - -	- - -	
Anguilla	- - -	- - -	- - -	- - -	- - -	200 - -	- - -	
Virgin Islands	- - -	- - -	- - -	- - -	- - -	222 10 -	- - -	
Dominica	- - -	- - -	- - -	- - -	- - -	1,253 10 -	- - -	
St. Lucia	202 2 -	- - -	- - -	- - -	- - -	- - -	- - -	
Trinidad	121 - -	- - -	- - -	- - -	- - -	- - -	- - -	
British Guiana	- - -	- - -	- - -	- - -	- - -	- - -	- - -	
Lower Canada	- - -	- - -	- - -	- - -	- - -	12,135 16 8	- - -	
Upper Canada	- - -	- - -	- - -	- - -	- - -		- - -	
Nova Scotia Command:								
Nova Scotia	468 19 -	- - -	- - -	- - -	- - -	- - -	2,493 15 -	
New Brunswick	- - -	- - -	- - -	- - -	- - -	- - -	375 - -	
Prince Edward's Island	- - -	- - -	- - -	- - -	- - -	4,424 - 1	150 - -	
Newfoundland	77 10 -	- - -	- - -	- - -	- - -	6,226 4 4	375 - -	
Sierra Leone	602 2 -	- - -	- - -	- - -	- - -	11,995 2 7	{	
Gambia	22 5 -	- - -	- - -	- - -	- - -			
Cape Coast	- - -	- - -	- - -	- - -	- - -	1,750 - -	- - -	
Ceylon	- - -	- - -	- - -	- - -	- - -	- - -	- - -	
Western Australia	- - -	- - -	- - -	- - -	- - -	13,002 17 1	- - -	
PENAL SETTLEMENTS:								
New South Wales	34 - -	45,931 11 9	35,121 13 3	167,898 6 3	{42,101 1 2 32,016 19 6	- - -	- - -	
Van Diemen's Land	- - -	22,489 16 -				- - -	- - -	- - -
General Charges	- - -	- - -	- - -	- - -	- - -	- - -	4,000 - -	
TOTALS - - - £.	4,069 19 9	68,421 7 9	35,121 13 3	187,090 14 1	78,559 18 10	76,388 19 10	26,769 13 1	

Appendix (B.)

SERVICES relating to the COLONIES, in the Year 1834-35.

Works for Civil purposes by the Ordnance Department.	Miscellaneous Charges from Civil Contingencies or Military Chests.	Establishment of British Revenue Departments, and Contingent Expenses.		TOTAL CHARGES.	DEDUCTIONS.		TOTAL Deductions from Civil Charges.	Net Civil Expenditure.
		Customs Departments.	Post Office Department.		Customs Collections remitted to England, or Expended by the Department, including $4\frac{1}{2}$ per Cent Duties.	Post Office Collections remitted to England, or Expended by the Department.		
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
507 - - -	- - -	- - -	52 2 10	559 2 10	- - -	229 7 9	229 7 9	329 15 1
301 - - -	- - -	- - -	171 19 -	472 19 -	- - -	423 1 6	423 1 6	49 17 6
330 - - -	- - -	- - -	- - -	330 - - -	- - -	- - -	- - -	330 - - -
43 - - -	- - -	- - -	- - -	745 2 -	- - -	- - -	- - -	745 2 -
127 - - -	- - -	2,811 3 7	108 - 1	32,054 19 6	1,889 - -	250 4 6	2,139 4 6	29,915 15 -
- - -	- - -	- - -	- - -	4,272 11 8	- - -	- - -	- - -	4,272 11 8
- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
- - -	1,401 19 1	- - -	- - -	1,776 19 1	- - -	- - -	- - -	1,776 19 1
- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
243 - - -	- - -	20,861 1 -	8,848 2 7	44,812 9 1	22,480 12 7	17,203 18 5	42,272 - 1	2,540 9 -
81 - - -	- - -	2,598 13 10	24 1 10		2,441 8 11	146 - 2		
- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
245 - - -	- - -	6,556 4 10	377 18 6	77,779 5 2	27,574 10 8	1,798 13 7	93,487 5 3	
58 - - -	- - -	3,875 17 -	109 14 9		2,086 19 -	605 14 4		
93 - - -	- - -	3,586 16 5	106 17 3	- - -	2,866 12 7	632 19 3	- - -	- - -
- - -	- - -	1,854 12 10	92 18 10	- - -	1,026 12 6	395 14 5	- - -	- - -
77 - - -	- - -	5,243 1 5	114 1 11	- - -	20,504 15 3	781 2 1	- - -	- - -
- - -	- - -	963 - - -	19 2 1	- - -	1,460 19 8	80 3 6	- - -	- - -
180 - - -	- - -	3,828 11 1	138 13 9	77,779 5 2	7,674 4 -	547 - 3	93,487 5 3	
- - -	- - -	1,600 3 8	61 12 3		4,881 18 8	146 16 8		
- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
- - -	- - -	1,239 8 1	58 10 8	- - -	975 15 3	109 8 10	- - -	- - -
34 - - -	- - -	2,445 19 2	116 13 6	- - -	1,029 9 4	255 8 1	- - -	- - -
30 - - -	500 - -	2,739 8 4	91 12 9	- - -	1,927 15 7	320 12 2	- - -	- - -
107 - - -	- - -	4,182 - - -	191 - 10	- - -	4,318 17 2	931 10 1	- - -	- - -
2,327 - -	246 7 10	7,731 9 9	341 - 1	- - -	8,960 1 8	1,593 10 8	- - -	- - -
610 - - -	75 9 10	8,622 1 8	22,209 8 4	43,652 16 6	8,204 - 10	32,510 6 9	40,714 7 7	2,938 8 11
659 - - -	- - -	11,094 12 4	7,444 19 7	47,310 5 1	9,190 4 8	9,584 11 1	31,339 15 11	15,970 9 2
8 - - -	247 10 -	7,914 3 7			5,311 17 3			
- - -	- - -	750 12 9	- - -	- - -	384 8 5	- - -	- - -	- - -
40 - - -	- - -	4,560 18 5	- - -	- - -	6,868 14 6	- - -	- - -	- - -
27 - - -	- - -	- - -	- - -	17,422 6 11	- - -	- - -	- - -	17,422 6 11
- - -	4,775 17 4	- - -	- - -	1,750 - - -	- - -	- - -	- - -	1,750 - - -
539 - - -	- - -	- - -	- - -	539 - - -	- - -	- - -	- - -	539 - - -
- - -	1,997 15 11	- - -	- - -	15,000 13 -	- - -	- - -	5,755 9 1	9,245 3 11
- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
- - -	2,000 10 -	- - -	- - -	347,593 17 11	- - -	- - -	5,258 4 10	342,335 13 1
- - -	- - -	- - -	- - -	4,000 - - -	- - -	- - -	- - -	4,000 - - -
6,666 - -	11,245 10 -	105,059 19 9	40,678 11 5	640,072 7 9	142,058 18 6	68,546 4 1	221,618 16 6	434,161 11 4
Less, Surplus Deductions, carried to General Statement - - - - -							15,708 - 1	
							£. 205,910 16 5	

Appendix (C.)

STATEMENT of EXPENDITURE by Great Britain for NAVAL SERVICES relating to the COLONIES
in the Year 1834-35.

	SALARIES of Dock Yard, Vicualling, and Medical Establishments.	EXPENSES of Buildings and Works.	PAY, ALLOWANCES, Clothing, &c., of Marines.	TOTAL Naval Expenditure.
MILITARY and MARITIME STATIONS:	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Gibraltar - - - -	350 - -	25 2 -	- - -	375 2 -
Malta - - - -	5,559 15 9	1,076 14 10	- - -	6,636 10 7
Cape of Good Hope - -	2,496 6 7	1,788 16 -	- - -	4,285 2 7
Mauritius - - - -	- - -	- - -	- - -	- - -
Bermuda - - - -	4,846 7 1	9,454 - -	- - -	14,300 7 1
Fernando Po - - - -	- - -	- - -	- - -	- - -
Ascension - - - -	400 - -	- - -	6,606 15 7	7,006 15 7
Heligoland - - - -	- - -	- - -	- - -	- - -
Ionian Islands - - - -	- - -	- - -	- - -	- - -
PLANTATIONS and SETTLE- MENTS:				
Jamaica Command:				
Jamaica - - - -	2,964 19 9	297 - 10	- - -	3,262 - 7
Bahamas - - - -				
Honduras - - - -				
Windward & Leeward Islands Command:				
Barbadoes - - - -	- - -	- - -	- - -	- - -
Grenada - - - -	- - -	- - -	- - -	- - -
St. Vincent - - - -	- - -	- - -	- - -	- - -
Tobago - - - -	- - -	- - -	- - -	- - -
Antigua - - - -	200 - -	239 12 7	- - -	439 12 7
Montserrat - - - -	- - -	- - -	- - -	- - -
St. Christopher's - -	- - -	- - -	- - -	- - -
Nevis - - - -	- - -	- - -	- - -	- - -
Anguilla - - - -	- - -	- - -	- - -	- - -
Virgin Islands - - -	- - -	- - -	- - -	- - -
Dominica - - - -	- - -	- - -	- - -	- - -
St. Lucia - - - -	- - -	- - -	- - -	- - -
Trinidad - - - -	- - -	- - -	- - -	- - -
British Guiana - - -	- - -	- - -	- - -	- - -
Lower Canada - - - -	597 11 10	263 2 2	- - -	860 14
Upper Canada - - - -				
Nova Scotia Command:				
Nova Scotia - - - -	1,156 18 -	514 5 11	- - -	1,671 3 11
New Brunswick - - -	- - -	- - -	- - -	- - -
Prince Edward's Island -	- - -	- - -	- - -	- - -
Newfoundland - - - -	- - -	- - -	- - -	- - -
Sierra Leone - - - -	900 - -	600 - -	- - -	1,500 - -
Gambia - - - -	- - -	- - -	- - -	- - -
Cape Coast - - - -	- - -	- - -	- - -	- - -
Ceylon - - - -	1,460 4 -	525 - 2	- - -	1,985 4 2
Western Australia - -	- - -	- - -	- - -	- - -
PENAL SETTLEMENTS:				
New South Wales - - -	- - -	- - -	- - -	- - -
Van Diemen's Land - -	- - -	- - -	- - -	- - -
£.	20,932 3 -	14,783 14 6	6,606 15 7	42,322 13 1

GENERAL ABSTRACT OF THE REVENUES AND OTHER RECEIPTS OF THE LOCAL GOVERNMENTS OF THE SEVERAL BRITISH COLONIES IN THE YEAR 1834,

(so far as Returns for that Year have been received at the Treasury.)

	Taxes, Duties and Fees.		Government Monopolies, and Sales of Produce.		Territorial Revenues, and Crown Property and Droits.		Incidental and Miscellaneous Receipts.		Total Revenues and Ordinary Receipts.		Advances for Colonial Services repaid.		Receipts in aid of Revenue Loans, Government Notes and Advances by Great Britain.		Colonial Balances of former Years applied to Expenditure.		GENERAL TOTALS.		Collections by British Revenue Departments.		Special Rates or Dues not at the Disposal of the Government.	
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.
MILITARY AND MARITIME STATIONS:																						
Gibraltar	26,854	15 11½	-	-	3,404	12 6½	777	16 -¾	31,037	4 6½	-	-	-	-	-	-	31,037	4 6½	229	7 9	-	-
Malta	80,220	17 3	-	-	23,620	14 4	1,021	19 2	106,869	10 9	9,998	9 8	4,909	9 11	-	-	121,771	10 4	423	1 6½	-	-
Cape of Good Hope	102,225	1 2	-	-	12,292	19 9	4,081	9 11	118,599	10 10	-	-	-	-	11,763	14 5½	130,363	5 3¼	-	-	-	-
Mauritius	171,803	9 0	-	-	3,229	19 5	25,253	4 2	200,286	12 7	-	-	10,877	13 6	2,167	18 10	213,332	4 11	-	-	-	-
Bermuda	No Returns received.		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Heligoland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ascension	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PLANTATIONS and SETTLEMENTS:																						
Jamaica	No Returns received.		-	-	-	-	15,495	- 5	36,220	9 11	-	-	-	-	1,518	5 8	36,220	9 11	29,373	4 3½	-	-
Bahamas	-	-	-	-	-	-	-	-	11,190	17 6	-	-	-	-	-	-	12,739	3 2	2,692	13 4	-	-
Honduras	20,725	9 6	-	-	79	10 8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Barbadoes	11,111	6 10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Grenada	No Returns received.		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
St. Vincent's	4,092	6 7	-	-	63	9 2	86	1 6	4,241	17 3	-	-	-	-	338	8 8½	4,580	5 11½	1,422	6 11	-	-
Tobago	12,562	13 7½	-	-	32	15 2½	1,488	6 -	14,083	14 10	-	-	-	-	-	-	14,083	14 10	21,286	17 5	-	-
Antigua	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Montserrat	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
St. Christopher's	No Returns received.		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nevis	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Anguilla	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Virgin Islands	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dominica	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
St. Lucia	38,547	19 1	-	-	751	7 8	113	13 1	39,412	19 10	348	2 3	20,801	11 11	-	-	60,652	14 -	5,250	7 3½	7,693	- 5
Trinidad	91,251	12 1	-	-	783	5 11	1,400	4 8	93,435	2 8	333	17 1	-	-	-	-	93,768	19 9	10,553	12 4½	-	-
British Guiana	143,733	4 5½	-	-	12,855	17 8	-	-	156,589	2 1½	-	-	-	-	-	-	156,589	2 1½	40,714	7 7	17,958	2 6
Lower Canada	76,760	14 11	-	-	29,938	14 3¼	2,141	11 -	108,841	- 2¼	-	-	71,780	7 4	-	-	180,621	7 6½	-	-	6,642	13 11½
Upper Canada	No Returns received.		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nova Scotia	44,103	17 8	-	-	19,214	12 4	14,370	2 9	77,688	12 9	-	-	-	-	-	-	77,688	12 9	-	-	5,451	13 7
New Brunswick	7,166	5 8	-	-	112	2 4	409	7 -¾	7,777	15 -¾	-	-	-	-	2,980	15 6½	10,758	10 7½	-	-	-	-
Prince Edward's Island	20,953	4 6½	-	-	1,239	19 -	5,975	-	28,168	3 6½	-	-	-	-	-	-	28,168	3 6½	-	-	-	-
Newfoundland	7,421	4 2	-	-	66	10 1	1,221	18 6	8,709	12 9	17	1 5	96	18 8	640	1 11½	9,463	14 9¼	-	-	-	-
Sierra Leone	3,060	14 9¼	-	-	30	13 -	122	-	3,213	7 9¾	-	-	-	-	-	-	3,213	7 9¾	219	12 11	-	-
Gambia	No Returns received.		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Fernando Po	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cape Coast	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ceylon	141,945	15 1½	81,176	2 9½	49,655	18 -½	60,419	13 10½	333,197	9 10½	43,921	- 10	5,105	19 8½	33,436	4 11½	415,660	15 4½	-	-	-	-
Western Australia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PENAL SETTLEMENTS:																						
New South Wales	144,992	2 2	-	-	59,215	6 9½	2,001	6 7	206,208	15 6½	20,938	6 10	-	-	-	-	227,147	2 4½	-	-	-	-
Van Diemen's Land	85,088	2 6	-	-	4,594	16 10	12,140	18 5½	101,823	17 9½	474	15 -	-	-	14,740	4 11	117,038	17 8	-	-	-	-
DEPENDENT STATES:																						
Ionian Islands	No Returns received.		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Whitehall, Treasury Chambers,
18 August 1836.

* Including Post Office Return for Nova Scotia

— No. 3. —

GENERAL ABSTRACT OF EXPENDITURE incurred by the LOCAL GOVERNMENTS of the several BRITISH COLONIES, from Colonial Resources, in the Year 1834,
(so far as Returns for that Year have been received at the Treasury.)

		Civil Government.		Revenue Departments.		Judicial Establishments.		Ecclesiastical and School Establishments.		Surveyors' Departments, Roads and Public Works.		Pay of Local Corps and Militia.		Colonial Pay and Allowances to the Troops.		Pay of the General Staff, and Contingencies of Military Departments.		Commissariat Expenditure.		Barrack Charges.		Engineers' Department, and Military Works.		Incidental Military Charges.		
		£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	
MILITARY AND MARITIME STATIONS:																										
Gibraltar	-	11,889	11 4	5,107	19 -	6,094	2 5½	493	1 5½	1,166	12 11¼	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Malta	-	40,467	18 7	3,072	3 5	18,809	16 7	-	-	9,277	19 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Cape of Good Hope	-	33,008	2 -	11,567	15 3	42,224	9 1	10,353	17 11	12,979	5 10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Mauritius	-	53,315	9 -	19,502	15 5	46,009	5 3	6,965	15 2	14,998	10 4	-	-	29,915	13 8	-	-	-	-	-	-	-	-	-	-	
Bermuda	-	{No Returns received.																								
Heligoland	-	{No Returns received.																								
Ascension	-	{No Returns received.																								
PLANTATIONS AND SETTLEMENTS:																										
Jamaica	-	{No Returns received.																								
Bahamas	-	{No Returns received.																								
Honduras	-	{No Returns received.																								
Barbadoes	-	1,734	13 7	705	16 9	6,039	16 6	4,566	4 -	1,445	17 11	742	13 2	-	-	-	-	-	-	-	-	-	-	-	-	
Grenada	-	3,883	16 1½	-	-	1,516	17 6½	2,374	14 4½	-	-	684	11 3½	-	-	-	-	-	-	-	-	-	-	-	-	
St. Vincent's	-	{No Returns received.																								
Tobago	-	945	-	-	-	248	-	450	-	50	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Antigua	-	3,755	12 11	-	-	3,227	12 2½	923	17 10½	606	4 6½	431	18 4½	400	-	-	-	-	-	-	-	1,026	1 5	-	-	
Montserrat	-	{No Returns received.																								
St. Christopher's	-	{No Returns received.																								
Nevis	-	{No Returns received.																								
Anguilla	-	{No Returns received.																								
Virgin Islands	-	{No Returns received.																								
Dominica	-	{No Returns received.																								
St. Lucia	-	14,908	4 4	-	-	11,991	7 2	2,947	16 2	2,710	9 7	2,098	19 2	-	-	705	4 10	-	-	-	360	14 6	-	-	140	9 7
Trinidad	-	47,283	1 4	3,690	- 11	10,515	1 7	3,287	2 1	11,963	9 3	2,012	3 7	-	-	-	-	-	-	-	-	-	-	-	-	
British Guiana	-	18,648	11 6	11,474	10 9½	7,381	6 8	23,167	12 8	30,334	15 1	316	4 7	-	-	-	-	-	-	-	-	-	-	-	-	
Lower Canada	-	20,851	18 3½	2,101	1 3	4,980	5 3½	17,409	18 6	95,407	6 6	585	-	-	-	-	-	-	-	-	-	-	-	-	-	
Upper Canada	-	{No Returns received.																								
Nova Scotia	-	14,362	3 9	3,139	18 1	3,797	4 3	6,701	14 8	14,199	2 4	997	6 11	-	-	-	-	-	-	-	-	-	-	50	5 1	
New Brunswick	-	3,564	18 11	670	6 -	752	18 3	693	1 10½	4,489	7 11½	67	10 -	-	-	-	-	-	-	-	-	-	-	-	-	
Prince Edward's Island	-	16,340	5 6½	-	-	9,471	11 7	375	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Newfoundland	-	1,788	15 5	-	-	1,778	8 8	489	13 1½	1,003	12 3	650	14 11	-	-	-	-	-	-	-	-	-	-	-	-	
Sierra Leone	-	894	9 11½	226	7 2	285	13 10	-	-	292	9 4	53	7 4½	-	-	-	-	-	-	-	-	-	-	-	-	
Gambia	-	{No Returns received.																								
Fernando Po	-	{No Returns received.																								
Cape Coast	-	{No Returns received.																								
Ceylon	-	95,527	16 1	61,916	11 7	43,349	12 2	9,480	10 6	-	-	-	-	53,878	11 1	-	-	30,654	7 5	-	-	1,012	9 9	-	-	
Western Australia	-	{No Returns received.																								
PENAL SETTLEMENTS:																										
New South Wales	-	28,898	15 5½	19,297	16 5½	30,517	- 6	18,112	- 8½	30,517	2 5½	-	-	-	-	564	2 4½	-	-	-	-	-	-	-	-	
Van Diemen's Land	-	35,549	6 -	8,099	9 10	14,198	19 7½	20,162	- 3½	27,520	12 5	-	-	-	-	1,296	7 5	-	-	-	-	-	-	-	-	
DEPENDENT STATES:																										
Ionian Islands	-	{No Returns received.																								

*

LOCAL GOVERNMENTS IN THE BRITISH COLONIES IN 1834-35.

549
11

Pensions and Retired Allowances.	Interest on Colonial Debts.	Miscellaneous Charges.	Total Current Expenditure.	Liquidation of Loans and Colonial Debts.	Advances for Colonial Services.	Total Disbursements of Colonial Governments.	Surplus Revenues and Receipts added to Colonial Balances, or paid over in aid of Expenditure by Great Britain.	GENERAL TOTALS.	Expended by British Departments, and Surplus Revenues paid over.	Expenditure from Special Rates or Dues not at the disposal of the Government.	MILITARY and MARITIME STATIONS:
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
4,387 - - 10,493 7 - 8,447 17 5 7,681 17 -	- - - 540 - 11 - - - - - -	1,396 9 7½ 13,113 1 4 12,281 - 9½ 8,886 18 11	30,534 16 10½ 95,774 6 11 129,982 8 3½ 187,276 4 9	- - - - - - - - - 26,056 - 2	- - - - - - 380 17 - - - -	30,534 16 10½ 95,774 6 11 130,363 5 3½ 213,332 4 11	502 7 8½ 25,997 3 5 - - - - - -	31,037 4 6½ 121,771 10 4 130,363 5 3½ 213,332 4 11	229 7 9 423 1 6½ - - - - - -	2,253 6 9 - - - - - - - - -	Gibraltar. Malta. Cape of Good Hope. Mauritius. Bermuda. Heligoland. Ascension.
PLANTATIONS and SETTLEMENTS:											
16 13 4	- - -	2,689 13 4 4,279 3 10½	17,841 8 7 12,739 3 2	- - - - - -	- - - - - -	17,841 8 7 12,739 3 2	18,379 1 4 - - -	36,220 9 11 12,739 3 2	No Returns received 29,373 4 3½ 2,692 13 4	- - - - - - - - -	Jamaica. Bahamas. Honduras. Barbadoes. Grenada. St. Vincent's. Tobago. Antigua. Montserrat. St. Christopher's Nevis. Anguilla. Virgin Islands. Dominica.
231 9 -½	- - -	2,887 5 11½ 1,548 11 -½	4,580 5 11½ 12,151 7 5	- - - - - -	- - - - - -	4,580 5 11½ 12,151 7 5	- - - 1,982 7 5	4,580 5 11½ 14,083 14 10	No Returns received 1,422 6 11 21,285 17 5	- - - - - - - - -	St. Lucia. Trinidad. British Guiana. Lower Canada. Upper Canada. Nova Scotia. New Brunswick. Prince Edward's Island. Newfoundland. Sierra Leone. Gambia. Fernando Po. Cape Coast. Ceylon. Western Australia.
3,030 10 6 1,879 16 8 1,936 13 - 4,665 5 2½	- - - 506 6 10 10,654 8 6	228 1 11 322 18 10 *15,882 15 8 *5,778 18 8	38,761 3 3 81,314 8 9 108,748 16 9½ 162,484 2 2½	- - - - - - - - - - - -	- - - 235 14 3 - - - 900 - -	38,761 3 3 81,350 3 - 108,748 16 9½ 163,334 2 2½	21,891 10 9 12,218 16 9 47,840 5 4 17,287 5 3½	60,652 14 - 93,768 19 9 156,589 2 1½ 189,621 7 6½	5,250 7 3½ 10,553 12 3½ 40,714 7 7½ No Returns received	7,089 2 9 16,823 11 7 7,569 9 4 - - -	St. Lucia. Trinidad. British Guiana. Lower Canada. Upper Canada. Nova Scotia. New Brunswick. Prince Edward's Island. Newfoundland. Sierra Leone. Gambia. Fernando Po. Cape Coast. Ceylon. Western Australia.
- - - 80 - - 291 2 10 135 3 5	- - - - - - - - - - - -	27,982 7 3 520 7 7½ - - - 1,405 1 8 810 9 8½	71,230 2 4 10,758 10 7½ 26,266 17 1½ 7,407 8 10½ 2,698 - 9½	2,944 9 6 - - - - - - 339 12 7 - - -	- - - - - - - - - 1,716 13 4 - - -	74,174 11 10 10,758 10 7½ 26,266 17 1½ 9,163 14 9½ 2,698 - 9½	3,514 - 11 1,901 6 5 - - - 515 7 -½ - - -	77,688 12 9 10,758 10 7½ 28,168 3 6½ 9,163 14 9½ 3,213 7 9½	{15,280 16 9½ - - - 6,868 14 6½ - - - 219 12 11 No Returns received No Returns received No Returns received	2,828 7 2 -	Penal Settlements: New South Wales. Van Diemen's Land. Dependent States: Ionian Islands.
28,700 19 6	- - -	18,144 2 9	337,665 - 10	77,995 14 6	- - -	415,660 15 4	- - -	415,660 15 4	No Returns received	- - -	Penal Settlements: New South Wales. Van Diemen's Land. Dependent States: Ionian Islands.
1,867 6 8 781 8 11	- - -	*5,284 8 5 9,430 13 2½	135,058 13 -½ 117,038 17 8½	35,512 3 5½	17,918 3 1	188,488 19 7 117,038 17 8½	38,458 2 9½	226,947 2 4½ 117,038 17 8½	- - - - - -	- - - - - -	Penal Settlements: New South Wales. Van Diemen's Land. Dependent States: Ionian Islands.

* Including Post Office Returns for Nova Scotia.

* Including Emigration Expenses.

Whitehall, Treasury Chambers,
15 August 1836.

COLONIAL EXPENDITURE AND
REVENUES.

—No. 1.—

GENERAL ABSTRACT of the Colonial Expenditure,
by *Great Britain*, in the Year 1834-35. (Military,
Civil and Naval.)

Appendix (A).—Military Expenditure.

— (B).—Civil Expenditure.

— (C).—Naval Expenditure.

—No. 2.—

GENERAL ABSTRACT of the Revenues, &c. of the
Local Governments, in the Year 1834.

—No. 3.—

GENERAL ABSTRACT of Expenditure, by the Local
Governments, from Colonial Resources, in the Year 1834.

Ordered, by The House of Commons, to be Printed,
19 August 1836.

MAURITIUS.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 22 March 1836;—for,

COPIES or EXTRACTS of any DESPATCHES or DOCUMENTS respecting the Measures adopted by His Majesty's Government since the Report of the Commissioners of Eastern Inquiry in 1828, on the Subject of the CLAIMS TO FREEDOM on the part of Persons illegally detained in Slavery or Apprenticeship in *Mauritius*;—Copies or Extracts of any CORRESPONDENCE between the Secretary of State and the Governors of the *Mauritius*, on the State of the REGISTRY OF SLAVES in *Mauritius*, and on the Subject of the general Protection of the Labouring Population of that Colony.

(*Sir George Grey.*)

Downing-street, }
24 March 1836. }

G. GREY.

Ordered, by The House of Commons, to be Printed,
28 March 1836.

SCHEDULE.

- No. 1.—Extract of a Despatch from the Earl of Ripon to Governor Sir C. Colville, dated
Downing-street, 14 Jan. 1831 - - - - - p. 3
- No. 2.—Extract from General Observations attached to Slave Protector's Report, from Jan. to
June 1833 - - - - - p. 6
- No. 3.—Extract from General Observations attached to Slave Protector's Report, from June to
December 1833 - - - - - p. 6
- No. 4.—Extract of a Despatch from the Earl of Aberdeen to Governor Sir W. Nicolay, dated
Downing-street, 21 Jan. 1835 - - - - - p. 7
- No. 5.—Copy of a Despatch from Governor Sir W. Nicolay to the Earl of Aberdeen, dated
Mauritius, 4 August 1835 (Two Enclosures) - - - - - p. 7
- No. 6.—Copy of a Despatch from Lord Glenelg to Governor Sir W. Nicolay, dated Downing-
street, 11 January 1836 - - - - - p. 9
- No. 7.—Copy of a Despatch from Governor Sir W. Nicolay to the Earl of Aberdeen, dated
Mauritius, 20 August 1835 (Two Enclosures) - - - - - p. 11
- No. 8.—Copy of a Letter from Sir George Grey to the Secretary to the Compensation Commis-
sioners, dated Downing-street, 8 February 1836 - - - - - p. 13
- No. 9.—Extract of a Despatch from Governor Sir W. Nicolay to Mr. Secretary Stanley, dated
Mauritius, 5 June 1834 (One Enclosure) - - - - - p. 13
- No. 10.—Copy of a Despatch from Lord Glenelg to Governor Sir W. Nicolay, dated Downing-
street, 5 August 1835 - - - - - p. 14
- No. 11.—Copy of a Despatch from Lord Glenelg to Governor Sir W. Nicolay, dated Downing-
street, 22 January 1836 - - - - - p. 15
- No. 12.—Copy of a Despatch from Governor Sir W. Nicolay to the Earl of Aberdeen, dated
Mauritius, 8 August 1835 (One Enclosure) - - - - - p. 16
- No. 13.—Copy of a Despatch from Lord Glenelg to Governor Sir W. Nicolay, dated Downing-
street, 4 December 1835 - - - - - p. 18
- No. 14.—Copy of a Despatch from Lord Glenelg to Governor Sir W. Nicolay, dated Downing-
street, 20 January 1836 - - - - - p. 18
- No. 15.—Copy of a Despatch from Lord Glenelg to Governor Sir W. Nicolay, dated Downing-
street, 18 February 1836 - - - - - p. 19

COPIES or EXTRACTS of any DESPATCHES or DOCUMENTS respecting the Measures adopted by His Majesty's Government since the Report of the Commissioners of Eastern Inquiry in 1828, on the Subject of the CLAIMS TO FREEDOM on the part of Persons illegally detained in Slavery or Apprenticeship in *Mauritius*;—Copies or Extracts of any CORRESPONDENCE between the Secretary of State and the Governors of the *Mauritius*, on the State of the REGISTRY OF SLAVES in *Mauritius*, and on the Subject of the general Protection of the Labouring Population of that Colony.

—No. 1.—

EXTRACT of a DESPATCH from the Earl of *Ripon* to Governor Sir C. Colville.

Sir,
 YOUR despatches, Nos. 60, 63 and 65, of September 19th, October 1st and October 4th, have been received and laid before the King: the first reached the office on the 13th December, and the last on the 4th instant, and I am commanded to convey to you the expression of the King's deep regret that anything should have occurred amongst His subjects in the *Mauritius* which should carry with it the appearance of disregard to His Majesty's authority, if not of an intention of disobeying the laws which it is unquestionably competent to His Majesty to enact.

His Majesty's servants have not failed to take these matters into their immediate consideration; and they cannot but feel that the violent excitement which you represent as prevailing in the colony, is occasioned by causes by no means sufficient to justify the course which has been pursued, and above all, the language in which the sentiments of the colonists had been expressed.

It seems that certain persons, not named or even indicated, have been guilty of the great indiscretion of conveying to the colony, in the course of the last summer, what they conceived to be the opinions and intentions of His Majesty's late Government upon a question as important as it is delicate. I have no means of ascertaining from any documents in this office what the precise intentions of my predecessor may have been; but as the reports alluded to must have been forwarded to *Mauritius* in the course of last summer, and as I found, upon receiving the seals of this department in the month of November last, that no instructions whatever had been transmitted to you upon the subject to which your present despatches and the above-mentioned rumours refer, I must conclude that the parties through whom they reached the colony had a very imperfect knowledge of that which they appear to have announced as a settled and well-matured plan.

These circumstances have, however, greatly embarrassed the whole question; first, by the exaggerated apprehensions which they have caused; and secondly, by the extravagant pretensions which have in consequence been set up in opposition to the supposed intentions of the Government. The colonists appear to have been led to apprehend that some immediate scheme of general and unqualified emancipation was contemplated, applying not only to the negroes who had been illegally imported between the years 1814 and 1821, but also to the whole slave population of the island. Influenced by these excessive and unwarranted apprehensions, they have protested against the supposed intention in language the most violent, and capable of being interpreted as indicating some intention of resistance; and the call which you have made for additional military force, for the purpose of adequately maintaining the public peace and the just authority of the Government, shows that yourself and the Council have been strongly impressed with the probability of tumult, if not of outrage and danger. I am willing, however, to believe, that as the colonists must have found by this time that their fears had gone beyond what any facts could warrant, their passions will have cooled, and their respect for the King's authority,

No. 1.
 Despatch from the
 Earl of Ripon
 to Governor Sir
 C. Colville.

No. 1.
Despatch from the
Earl of Ripon
to Governor Sir
C. Colville.

authority, as well as their confidence in His Majesty's justice and wisdom, will have been re-established.

In considering, however, what it may be fitting to do in a matter so difficult, His Majesty's Government must at once reject as altogether inadmissible all that reasoning in some of the memorials transmitted by you which points to the conclusion, that the negroes illegally imported are to be deemed the property of those who now hold them in slavery, and that any declaration of their freedom might be denounced as a violation of the rights of property. In no sense of the word, moral or legal, are these individuals the property of any man. They were consigned to slavery in direct contravention of the law, and their title to freedom is as absolute and undeniable as that of yourself or any white inhabitant of the King's dominions. It may be difficult, and in some cases impossible, to prove the claims to freedom which individual negroes may set up upon the ground of the illegal importation and slavery of themselves or their parents; but to argue that any persons who could establish their identity as having been illegally imported are the property of those who may now happen to hold them in slavery, is to maintain that the Act abolishing the Slave Trade is not the law of England, and that the distant dependencies of the Crown may set it at nought with impunity. However willing, therefore, His Majesty's Government may be to overlook the sort of menace of resistance which the language of some of the memorials implies, as emanating from excited feelings and real fears, it is my bounden duty to state to you explicitly, that any decision to which the Government may come in this matter must be founded upon the peremptory denial of a pretension so utterly untenable in itself, and so abhorrent from the universal feelings of the British nation.

I make this declaration of principle in order that no misunderstanding may exist upon a point which involves the whole essence of the question; and these negroes being thus indubitably free, every consideration of justice, humanity and policy, requires that they should possess all reasonable facility in establishing their freedom. I say all reasonable facility, because I am not insensible to the difficulties with which the adjustment of the question is surrounded, and because the object which His Majesty's Government has in view is the settlement of substantial claims, not the encouragement of an indiscriminate assertion of those which are unfounded. We cannot suffer a grievous wrong to exist without endeavouring to remove it; but we do not desire to effect our purpose of doing right to one class by any process which may unnecessarily inflict real injury upon another.

This brings me to the important consideration of the practical steps which ought to be taken. Different courses have occurred: one is, to leave the matter to the ordinary course of legal adjudication at the suit of the Procureur-general, before the Tribunal de Première Instance, which would certainly be competent to try such cases. A second is, to create an entirely new court, for the express purpose of having them brought before it. To the first plan there appears to me to be insuperable objections as regards its efficacy, arising partly from the construction and composition of the court itself, and its inapplicability to the intended object, and partly from the violent feelings which the agitation of the question has so unhappily excited, and from which it is impossible to suppose that that court could be entirely exempt. I am aware, however, that there is an appeal from the Tribunal de Première Instance to the Supreme Court, and from that again to the Privy Council; but such a process would be cumbrous, tedious and expensive; and a negro held in slavery, destitute of friends, ignorant of law, and totally unprovided with pecuniary resources, could scarcely ever expect to enjoy the benefit of it. I am not, however, desirous of entering farther into the detail of those objections to this plan to which I have now alluded; they are sufficiently obvious, and you cannot fail fully to appreciate their force.

The second mode, namely, the creation of a special court for the trial of these cases, is not liable to those objections which apply to the first. It would be efficacious and prompt: it would not necessarily be expensive; and its impartiality might safely be relied upon; but it would have the disadvantage of being a novelty; its creation for the special-purpose would keep alive the ferment which now exists; and whilst it might excite the jealousy and suspicion of the free people, it would in all probability create extravagant hopes and

No. 1.
Despatch from the
Earl of Ripon
to Governor Sir
C. Colville.

and expectations on the part of the negroes of all descriptions, which, if disappointed, might lead to the most alarming, if not dangerous consequences. If, however, no other less objectionable course of proceeding had suggested itself, His Majesty's Government would not have felt themselves deterred from adopting that of a special tribunal, notwithstanding the objections which I have stated. But we have, upon the fullest consideration, satisfied ourselves that there already exists in the colony a tribunal before which these cases may be brought for adjudication, without being liable to any of the objections which may be deemed decisive against the other propositions, I allude to the Vice-Admiralty Court. The Abolition Law has constituted this court the tribunal before which the cases of slaves captured at sea are to be decided; its jurisdiction, however, is not confined to those particular cases, but extends to all such illegal importations, whether the alleged slave may have been intercepted in his way to slavery by capture at sea, or may have been withdrawn from an actual servile condition, by being at any subsequent period brought before the court. Nor are we without experience of its perfect competence to execute those functions with effect. I understand, upon unquestionable authority, that no less than 2,500 slaves have, at different times, been condemned to the Crown by the Vice-Admiralty Court, and thereby restored to freedom; and upwards of one-third of the negroes so liberated have been of the number of those whose illegal importation has led to the discussion of this question. Here, then, we have a jurisdiction known to the law in constant operation, uncomplained of, and proved by experience to be efficient. The individual who now fills the situation of Judge of the Court of Vice-Admiralty is distinguished for his talents, and has conciliated public confidence by his impartiality and integrity. Before a judgment seat so filled, therefore, His Majesty's Government is of opinion that equal justice may be done.

The appealing negro may anticipate a fair hearing and an honest verdict; and the apprehensive colonist may be sure that discretion and justice will preside at the deliberations of the court.

There is, however, one part of the subject to which it is now my duty to call your attention, I mean the mode in which reasonable facility (as I have before stated) may be given to the negro in bringing his case forward. I should say that it is the peculiar province of the Protector of Slaves to attend to this duty. It is not expected that he should ostentatiously proclaim himself as the emancipator of all slaves who may lay claim to freedom; still less that he should take a course by which hopes may be kindled which he could never realize. His plain duty would be to receive and to consider such complaints upon this subject as might be brought before him; to take care that no impediments, either of artifice or force, were interposed to prevent them from reaching him; to sift with rigid impartiality the grounds upon which the claims may be supported; and to lay them zealously, firmly, and yet temperately before the Crown Advocate, in order that that officer may, with the least possible delay, submit each case to the jurisdiction of the Court of Admiralty. If it should happen that the Judge of that court should at any time be compelled, by the pressure of his other avocations, to seek for assistance in the discharge of these particular duties, he may, I apprehend, appoint without difficulty surrogates for that purpose, who, as I am informed, may be employed either in preparing cases and arranging materials, or in taking a part of his more important and responsible functions, by sitting for him on the bench of justice. I rely entirely upon the discretion of Mr. Blackburn for the due performance of this material part of his duty; and His Majesty's Government cannot suffer themselves to entertain a doubt that the course of proceeding here pointed out (or rather referred to as an existing practice) is calculated to meet all the real difficulties of the case, and to ensure substantial and satisfactory justice. The negroes ought to be convinced that their interests will thus be adequately provided for, and their rights effectually asserted and enforced. The free people ought to feel that whilst those, who in law are as free as themselves, are by a regular and known process to be restored, if they can prove their claim, to the enjoyment of their freedom, all due discretion will be exercised in the application of that process. Both parties will thus perceive that the principle of His Majesty's Government in this most delicate question is to maintain the balance of justice with a firm and steady hand; to watch over the rights and to promote the interests of all classes; and to restore, as far as possible, to the Island of Mauritius that harmony

No. 1.
Despatch from the
Earl of Ripon
to Governor Sir
C. Colville.

and contentment which a combination of painful circumstances has unfortunately interrupted and endangered.

I have, &c.
(signed) Goderich.

— No. 2. —

EXTRACT from the GENERAL OBSERVATIONS attached to *Mauritius* Slave Protector's REPORT, from January to June 1833.

No. 2.
Extract from
Slave Protector's
Report, Jan. to
June 1833.

WITHIN the last six months the claims of slaves to their liberty on the grounds of illegal importation have increased considerably; few only of them are given in this Report, from the difficulty of obtaining sufficient evidence to mature them for reporting; the deficiency will be supplied in the ensuing half-year. In the meantime it may be observed that the subject is beginning to force itself seriously upon the public mind, and various opinions are abroad with respect to the number of individuals so situated. From the best information the Protector has been able to obtain they may perhaps be safely estimated at 5,000 or thereabouts.

— No. 3. —

EXTRACT of so much of the GENERAL OBSERVATIONS annexed to the REPORT of the Protector of Slaves for *Mauritius*, for the half-year ending on the 31 December 1833, as relates to the Claims to Freedom of Persons illegally held in Slavery.

No. 3.
Extract from
General Observa-
tions of Slave
Protector, in
Report, 31 Dec.
1833.

UNDER the head of "General Observations," in his last Report, the Protector noticed the increased number of claims to manumission made by individuals presumed to be illegally held in slavery, and he would now respectfully press the subject upon the attention of His Majesty's Government, as being of considerable importance, when viewed with reference to the 46th section of the Act 3 & 4 Will. 4, cap. 73.

The Protector has already obtained information that will in all probability lead to the confiscation, and consequently to the freedom, of about 200 persons thus illegally detained, eight of whom have been already emancipated by their owners on the conditions mentioned in pages 774 and 775 of Table (B); and there is every reason to believe that the owners of the other four therein described will follow the example rather than carry the cases into court. To these may be added 50 more, who were imported in the same ship under precisely similar circumstances, and in whose cases convictions are certain, should the owners decline the conditions already referred to, as having been made to them under the authority of his Excellency the Governor.

The difficulty in obtaining preliminary evidence upon which to ground an action in these cases is very great, and will still become greater when the provisions of the section in question come to be acted upon; for it may be expected that every measure, however unjustifiable, will be resorted to, to prevent discovery; and it is to be recollected that, in the majority of cases, the chief evidence obtainable is that of slaves imported in the same ship with the claimant, and which may be objected to as interested, inasmuch, as if the claimant succeeds in his suit, it follows, as a matter of course, that the witnesses themselves are equally entitled to their liberty.

In order to support and render less objectionable this description of evidence, recourse has been had to the records of the Slave Registration Office, which, in almost every instance, show that the claimants were never registered as slaves before the promulgation of the Order in Council of January 1826; to which so erroneous an interpretation has been given, that the registration which took place under that Order, in October of the same year, has been, and is still, deemed as conferring a title to the slave, no matter how, when, or under what circumstances he may have been imported, or have come into possession of the
then

then holder; thus setting completely aside, not only the provisions of the 47th section of the Act 5 Geo. 4, cap. 113, but also those of the 55th of the Order in Council of the 24th September 1814, which last are expressly re-enacted by the 39th of the very Order of 1826.

In many of these claims the Protector has had recourse to the Report of the Commissioners of Inquiry upon the Slave Trade of Mauritius, with the hope of being able to discover, in the report of the evidence taken before the commission, circumstances bearing upon some of the individual claims in question; but it is too general to afford any information applicable to particular cases; still it cannot be doubted that the Appendix to that Report contains evidence that would most essentially contribute to the elucidation of these claims, particularly the information given by C. Letord *alias* Dorval, who appears to have been one of the principal actors in the slave trade, and is now cited as having commanded the vessels in which most of the individuals whose claims are now before the Protector were brought to this colony. It is not impossible, when the Commissioners under the new Act shall commence their inquiries, that Dorval may be induced to renounce the reluctance he manifested before the Commissioners, "to declare the names of persons for whom he imported the negroes whom he landed in the colony, or to whom he disposed of them." In that case his evidence may lead to the discovery of illegally imported slaves, far beyond the number (5,000) presumed by the Protector in his last Report. In any case the Protector would respectfully recommend that the Appendix (which from being very voluminous was not printed), or a copy of it, be transmitted to the Commissioners under the new Act, as a document indispensable towards the discovery of the frauds alluded to.

No. 3.
Extract from
General Observa-
tions of Slave
Protector, in
Report, 31 Dec.
1833.

— No. 4. —

EXTRACT of a DESPATCH from the Earl of *Aberdeen* to Governor
Sir *W. Nicolay*.

Downing-street, 21 Jan. 1835.

I HAVE communicated to the Commissioners of Compensation in this country the observations of Mr. Protector Thomas, relating to the slaves illegally held in slavery. Whatever means may appear to you the best for discovering the true situation of the negroes must be submitted to the Local Commissioners for their joint consideration; and it is advisable that you, as head of the Local Commission, should communicate with the Central Board of Commissioners on this important subject.

No. 4.
Despatch from the
Earl of Aberdeen
to Sir W. Nicolay.

— No. 5. —

COPY of a DESPATCH from Governor Sir *W. Nicolay* to the
Earl of *Aberdeen*.

My Lord,

Mauritius, 4 August 1835.

HEREWITH I beg to forward to your Lordship, with a view to an appeal to His Majesty in Council, the necessary documents for supporting the appellant's case, in a cause of "The King, on the information of Richard Morris Thomas, esq., late Protector of Slaves, appellant; and Giquel, esq., and others, executors of Gaillardon, respondents;" having for object the freedom of the apprentice Soliman.

No. 5.
Despatch from
Sir W. Nicolay
to the Earl of
Aberdeen.

The merits of the case are so fully set forth by Mr. Williams, that it will be unnecessary for me to offer any observation upon them. But as the judgment in this cause is one involving the rights of every apprentice who may have been illegally held in slavery, perhaps your Lordship will deem it of sufficient importance to solicit for the appeal a special hearing.

I have, &c.

(signed) *Wm. Nicolay*.

Enclosure 1, in No. 5.

No. 5.
Despatch from
Sir W. Nicolay
to the Earl of
Aberdeen.

Enclosure 1.

Late Protectorate Office, Port Louis,
26 June 1835.

Sir,

HAVING just received a copy of the judgment pronounced on Saturday last in the Court of Vice-Admiralty, in the case of *The King*, on the information of the late Protector of Slaves, *v. Gaillardon*, for the freedom from coercive servitude of the apprentice Soliman, I deem it my duty to address his Excellency the Governor thereon, with a view to an appeal from such judgment to His Majesty in His Privy Council; and I have therefore to request you will be pleased to lay this letter before his Excellency at your earliest convenience.

It will be within his Excellency's recollection, that it is now nearly two years (on the 7th of November 1833) since a Malay woman, named *Fidelia Olive*, obtained her emancipation by virtue of the solemn judgment of the Court of Vice-Admiralty, as having been illegally imported into this colony, and therefore unduly held in slavery, in violation of the law for the Abolition of the Slave Trade.

From the matters which came to light on this trial, I felt myself compelled by a sense of public duty, as Protector of Slaves, to institute further inquiries, the result of which, notwithstanding the innumerable obstacles I had to contend with, led to the discovery of the fact that no fewer than from 60 to 70 other Malays had been feloniously imported in the same ship with *Fidelia Olive*, forming part of the same cargo, and consequently, being in the same predicament with her, were all and each of them equally entitled to their freedom.

Accordingly, the opinion of the King's Advocate in Admiralty having been taken upon the case of the claimants, the same was, with their declarations and the evidence in support thereof, sent to you to be laid before the Governor, for the purpose of obtaining his Excellency's authority to prosecute, subject however to a compromise, such as his Excellency had been pleased to sanction in other cases of a similar nature, and an abandonment of penalties where judgment was allowed to go by default.

In granting this authority, his Excellency was so struck with the irrefragable proofs I adduced, that he was pleased to direct you to express yourself in the following impressive and energetic terms:

"His Excellency conceives that, with claims to freedom so clearly established, nothing could justify a suspension of the proceedings in any of these cases."

And again, in a subsequent communication:

"Unless a satisfactory compromise be made in the interests of those who have been illegally held in slavery, their just claims under the Act of Parliament must be prosecuted before the Vice-Admiralty Court. The honourable the Procureur and Advocate-general has been informed that, in his Excellency's view of the subject, every facility should be given to the Malays to establish their right to freedom, to which they appear to have claims unquestionable."

Fortified by his Excellency's sanction thus strongly expressed, I lost no time in following up the prosecutions in the Vice-Admiralty Court, and by means of judgments by default obtained the condemnation to the Crown, or, in other words, the enlargement from slavery or from coercive servitude of the following individuals:

Julien Batavia,

Delpheine Batavia,

Marie Carolia,

Clarisse Batavia,

Rose Fanny,

Victorine Justine,

and was proceeding at law to effect the judicial emancipation of the whole of the cargo, so far as it had been thus discovered, when, to my utter astonishment, two of the parties sued (namely, the executors of the late Mr. Gaillardon and a *Demoiselle Dumain*) thought fit to impugn the authority of the Court of Vice-Admiralty, and insisted, by their respective pleas, that the jurisdiction of the Court had been taken away by the 46th section of the Slavery Abolition Act, 3 & 4 Will. 4, cap. 73.

This plea was argued at length by counsel, that is to say, by Mr. Williams (the late acting King's Advocate in Admiralty), on behalf of the Crown, on my information, *in support of*, and by Mr. Faduilhe and Mr. Bestel *against* the jurisdiction of the Court.

His Honor the Judge in Admiralty was pleased to pronounce a sentence, by which he declares the jurisdiction of the court to be repealed by the Slavery Abolition Act, admits the exceptive plea, and in one of the suits condemns me in costs.

It was my intention to have sent herewith a copy of this judgment for his Excellency's perusal and serious consideration, but I am informed that one has been already sent to his Excellency.

As the arguments of counsel are therein fully stated, it were useless to recapitulate them in this letter; but as his Honor, in giving judgment, has wholly omitted to notice what I consider the most cogent and conclusive argument urged by Mr. Williams in support of the jurisdiction of the court, it is indispensable that I should submit this part of the learned counsel's pleading to his Excellency's consideration.

Mr. Williams concluded his opening speech by referring to another Act of Parliament, passed the very same day with the Slavery Abolition Act, the 28th August 1833, namely, the 3 & 4 Will. 4, cap. 59, intituled "An Act to regulate the Trade of the British Possessions Abroad," by the 79th and 80th clauses of which Parliament has distinctly, and in express terms, declared and recognised the continuance of the jurisdiction of His Majesty's Colonial Courts of Vice-Admiralty over seizures of slaves, &c.

After this short statement his Excellency will not be surprised that, with all due deference for the learned Judge in Admiralty, I should feel by no means satisfied with this judgment, and

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Despatch from
Sir W. Nicolay
to the Earl of
Aberdeen.

Enclosure 1.

and that I am therefore desirous of exercising the right, which the law allows, of appealing to the Privy Council.

The question is one of very great importance in itself, and one of peculiar hardship to these unfortunate Malays, who, though illegally and piratically imported, are to be held in a state of coercive servitude or qualified slavery for four or six years, whilst several of their companions and country people, male and female, brought hither in the same vessel, have obtained the full enjoyment of their unrestrained liberty under precisely the very same identical circumstances.

Nor is that all. These Malays may be presumed to be British subjects, Java and its dependencies, where they were born, having been in possession of Great Britain, if not at the time of their importation, most unquestionably at the time of their birth; and if this should entitle them to the rights of British subjects, this affair may sooner or later become the subject of Parliamentary inquiry; in which case I might be exposed to unpleasant animadversion, and be deemed wanting in my duty, were I not to use every effort to ensure to these unfortunate individuals the means of ultimate redress.

In a pecuniary point of view, the mere entry of the appeal here will be attended with a very trifling charge, since it is not intended to carry the matter further than to transmit the case to the Home Government, for the opinion of the Crown lawyers in London; and if they think there is no ground for an appeal, it may be immediately abandoned, without incurring any additional expense.

Under all these circumstances, I therefore now presume to solicit his Excellency's authority for directing the King's Proctor to enter an appeal to His Majesty in His Privy Council, against this judgment; and as the time limited by law for entering such appeal will expire on Thursday next, I would entreat an early signification of his Excellency's commands in this matter.

To the Honourable the Colonial Secretary,
&c. &c. &c.

(signed) R. M. Thomas,
Late Protector of Slaves.

Enclosure 2, in No. 5.

In the Affair of The King, on the Information of the late Protector of Slaves, Appellant; and Giquel, Esq., and others, Executors of the late J. Gaillardon, Respondents.

Enclosure 2.

Late Protector's Office, Port Louis,
14 July 1835.

Sir,

HEREWITH I have the honour to transmit to you the appellant's case, with an appendix to the same, in the above cause, both prepared and signed in due form, for transmission to the Right honourable the Secretary of State for the Colonies, for the purpose of being brought before His Majesty in His Privy Council; and I would beg leave to suggest to his Excellency the Governor, how desirable it were in so important a case, that the Privy Council should be moved to take the cause out of the regular course, and to fix an early day for hearing it, notice of such intended motion having been served upon the respondents.

To the Honourable the Colonial Secretary,
&c. &c. &c.

I have, &c.
(signed) R. M. Thomas,
Late Protector of Slaves.

Colonial Secretary's Office, Port Louis,
29 June 1835.

Sir,

HIS Excellency the Governor having had under consideration your letter of the 26th instant, reporting the result of the proceedings had before the Court of Vice-Admiralty, in the case of The late Protector of Slaves v. Gaillardon, for the freedom from coercive servitude of the apprentice Soliman, and soliciting that you may be authorized to direct the King's Proctor to enter an appeal to His Majesty in His Privy Council, against the judgment pronounced on this occasion, I have been directed to convey to you his Excellency's approval of the appeal being made, and all necessary authority for your giving directions to that effect to the proper officer.

To R. M. Thomas, Esq.,
late Protector of Slaves, &c. &c.

I have, &c.
(signed) Geo. F. Dick,
Colonial Secretary.

— No. 6. —

COPY of a DESPATCH from Lord Glenelg to Governor Sir W. Nicolay.

No. 6.
Despatch from
Lord Glenelg to
Sir W. Nicolay.

Sir,

Downing-street, 11 January 1836.

I HAVE received your despatch, dated the 4th of August last, enclosing, with a view to an appeal to His Majesty in Council, certain documents in a cause
144. heard

No. 6.
Despatch from
Lord Glenelg to
Sir W. Nicolay.

heard before the Court of Vice-Admiralty at Mauritius, between The King, on the information of Mr. Thomas, and the Heirs of Gaillardon.

I directed the solicitors to the Treasury to lay these papers before the Attorney and Solicitor-general, for their opinion on the question of prosecuting the appeal, and I transmit a copy of that opinion for your information and guidance.

The concurrent authorities of the Judge of the Vice-Admiralty Court and of His Majesty's law officers forbid my engaging, at the public expense, in any further prosecution of this cause before the Judicial Committee of the Privy Council. The appeal will therefore be abandoned.

You will perceive that the Attorney and Solicitor-general ascribe to the Judge of the Vice-Admiralty the opinion that "the slave whose forfeiture was sought by the party prosecuting the cause was liable to the compulsory apprenticeship," and they state, "unless there is something in the colonial law of the island affecting the case," that they must dissent from that opinion.

Upon an attentive perusal of the sentence, I cannot but infer that the Judge would disavow that view of the law which is thus attributed to him. I understand the sentence as confined exclusively to the question of jurisdiction, yet as intimating not obscurely that a man imported into the island in contravention to the laws for the Abolition of the Slave Trade, though subsequently registered there, with an exact observance of all the forms required by the Slave Registry Law, could not be compelled under the Act for the Abolition of Slavery to work as an apprenticed labourer. The law officers of the Crown surmise the possible existence of some colonial law derogating from this principle. Without inquiring how far any such law must necessarily be superseded by the British statutes and Orders in Council, it is more satisfactory to observe that the sentence of the Court of Vice-Admiralty, if I read it right, negatives the supposition that any such colonial law exists. To justify the construction I give to the sentence, I might refer to the general course of the reasoning it pursues, and to many insulated expressions. But the following passage seems to me to place in the clearest light the opinion of the Judge against the liability of the person in question before him, and of all other persons in a similar situation to the compulsory apprenticeship. The words are these:

"Who is entitled to such compensation? He against whom it cannot be proved that his title is vitiated by an illegal importation, and whose slaves in consequence have not been duly registered according to the true sense and meaning of the Act."

Thus I conceive myself to be supported by the Judge of the Vice-Admiralty of Mauritius, as well as by the Attorney and Solicitor-general, in affirming the general principle, that no man illegally imported into that island as a slave can be lawfully compelled to work as an apprenticed labourer, though placed on the registry with the most exact observance of the forms of the Slave Registry Law. The opinion of the law officers of the Crown calls my attention to the necessity of giving directions on this subject.

First, therefore, you will communicate to the Procureur-general, and through him to his various substitutes,—to Mr. Williams, as advocate in Admiralty, to the King's Proctor in that court, and to Mr. Thomas, and to the special magistracy of the island, the terms of the Attorney and Solicitor-general's opinion, and of this despatch.

Secondly, you will instruct all the officers of your government already noticed, and any others within whose province it may fall, to assist any persons in obtaining their immediate discharge from the compulsory apprenticeship, respecting whom it can be proved that they were imported into the island in violation of the laws for the Abolition of the Slave Trade.

Thirdly, the proper mode of proceeding to effect this object may depend upon the varying circumstances of different cases, and it will of course be desirable that all proceedings of this nature should be taken circumspectly, and under the best legal advice that can be obtained. In general, however, it may be stated that a person of African or Asiatic origin or descent, who before the abolition of slavery was illegally imported into Mauritius as a slave, may now vindicate his or her claim to be discharged from apprenticeship, and to the immediate enjoyment of unqualified freedom, precisely in the same manner as might be done by an Englishman or a Frenchman of pure European descent, of whom similar labours were exacted. It must rest with the officers of your government,

No. 6.
Despatch from
Lord Glenelg to
Sir W. Nicolay.

government, or with the party himself, to select between the various remedies in his choice, whether by calling upon the Court of First Instance to discharge him from confinement, or by bringing an action (to employ the language of our own law) of assault or trespass against those who may coerce him to labour as an apprentice, or by denying the jurisdiction of the special justices over him, or by an action against his employer for the value of the services rendered. The one process to which it is clear resort must not be had, is that of seeking his condemnation to the Crown as a forfeited slave in the Court of Vice-Admiralty.

The man in whose person this question originated, appears to have been one of a cargo of Malays, of the illegality of whose importation no doubt can be entertained. The sentence of the Vice-Admiralty Court does not affect the right of these persons to their immediate liberation, nor decide anything respecting their future condition. You will direct the special justices of the districts in which these Malays may be living to take the most prompt and effectual means for asserting their title to unqualified freedom. You will direct the law officers of your government to assist with their advice and professional aid in effecting this service, and you will report to me the result with the least possible delay.

I fear that the principles which I have asserted in this despatch may be unpopular in the colony over which you preside, and that in the practical assertion of them you may be called to an invidious and difficult duty. But His Majesty's Government, as administered either in this country or in Mauritius, can have no rule of conduct inconsistent with that which the law of the land has prescribed for their guidance. Upon the subject under discussion, that law has laid down rules, in the observance of which the faith and honour of this nation and the principles of justice and humanity are involved. I need not state that these are considerations over which none others can for an instant be permitted to preponderate.

I have, &c.
(signed) *Glenelg.*

— No. 7. —

COPY of a DESPATCH from Governor Sir W. Nicolay to the Earl of Aberdeen.

No. 7.
Despatch from
Sir W. Nicolay
to the Earl of
Aberdeen.

My Lord,

Mauritius, 20 August 1835.

HEREWITH I have the honour to transmit to your Lordship the final Report of the Protector of Slaves for this colony, and which is comprised in two volumes, as explained in the accompanying letter from Mr. Thomas addressed to me.

With respect to Mr. Thomas's suggestion that the information contained in the Report, in regard to the claims to freedom, should be submitted to the Metropolitan Commissioners of Compensation, I have only to observe that it has already been furnished to the Local Commissioners, whereby it will, in due course, come under review of the Commissioners in London.

The Malay cases, to which Mr. Thomas alludes, formed the subject of my despatch of the 4th instant.

I have, &c.
(signed) *William Nicolay.*

2 Volumes.

16 July 1835.

Enclosure 1, in No. 7.

Office of the late Protectorate, Port Louis,
16 July 1835.

Enclosure 1.

Sir,

I DO myself the honour to transmit to your Excellency herewith my Report from the 1st July 1834 to the 1st July 1835, forming two half-yearly Reports in one, but divided into two parts. The first comprising all that relates to the complaints made by slaves for ill-treatment, wrongs and injuries, to the 1st February last; and the second the claims made by slaves to their freedom previous to the same period, followed by the other Tables of the Printed Reports not included in the first part, and also by other information connected with occurrences during the winding-up of the affairs of the protectorate, and preparing its papers and records for delivery to the archivist, which took place on the 1st July instant, the

No. 7.
Despatch from
Sir W. Nicolay
to the Earl of
Aberdeen.

Enclosure 1.

day upon which the Report ends; and as it contains much matter connected with and explanatory of the claims to freedom, and particularly the very important case of the Malays, I trust I shall be excused the liberty I take in soliciting your Excellency to be pleased (should you see no objection thereto) to suggest to His Majesty's Government how desirable it were that the information the Report contains upon the Malay cases, and other claims to freedom, be submitted at an early day to the Metropolitan Commissioners of Compensation.

To his Excellency
Major-General Sir William Nicolay, K.C.B.
Governor and Commander-in-Chief,
&c. &c. &c.

I have, &c.
(signed) R. M. Thomas,
Late Protector of Slaves.

Enclosure 2, in No. 7.

Enclosure 2.

EXTRACT from GENERAL OBSERVATIONS attached to *Mauritius* Slave Protector's Report from July 1834 to February 1835.

THE second part of this Report comprises a Supplement to Table (B.), and the rest of the Tables in the printed forms from (C.) to (I.) inclusive.

None of the latter offer anything for observation; but the former, the Supplement to Table (B.), contains a full and particular description of all the undecided claims to freedom preferred to the Protector and his assistants by the heretofore slaves, now apprentices, upon the grounds of illegal importation and fraudulent registration, showing the evidence produced in support thereof, and the result of the Protector's inquiry into each claim (where such inquiry was not frustrated by the contumacious conduct of the putative master or owner). On referring to the Summary Abstract with which the Supplement commences, the total number of individuals whose claims to freedom from coercive servitude are involved in those proceedings will be found to be 550, a number which would have been increased probably to 2,000 more, but from the vexatious impediments which were encountered at every stage of the investigations, as will be seen on reference to the claims themselves, and to the following copy of a letter addressed to the Honourable the Colonial Secretary when they were transmitted to him for submission to his Excellency the Governor.

Late Protectorate Office, Port Louis,
30 May 1835.

Sir,

I HAVE the honour to transmit to you herewith the *procès verbaux* and other documents connected with sundry claims to freedom, brought before me at different periods previous to the 31st January last, on the grounds of illegal importation and false registration; and I also enclose a list of the cases, for the purpose of facilitating reference.

They are in number 83, and comprise the declarations of 109 claimants, involving the right to freedom of 367 more, and likely to lead to the discovery of the whole that may be now alive of the slaves (now apprentices) illegally introduced into the colony in the slave ships *Aglâé Heloise*, *L'Espérance*, *Industry*, *Coureur*, *Warrior*, and *Courier des Seychelles*, particularly alluded to in the Report of the Commissioners of Inquiry, and estimated at upwards of 2,000.

The great labour attending the preparation of abstracts of these documents for insertion in my Report has unavoidably retarded their earlier transmission; and I regret to say they are not even now complete, inasmuch as they want, for reasons which you are already acquainted with, the certificates from the Slave Registration Office, and as these are most essential, indeed indispensable, for the purpose of tracing the slaves through the original Returns, and comparing the present with former descriptions of them, I beg his Excellency the Governor may be informed how desirable it is that they be furnished with the least practicable delay, and that they accompany each the case to which it belongs when sent for prosecution, particularly those which relate to the cases marked in the column of observations as "clearly established."

With regard to those cases distinguished in the column of observations, as having had the inquiry into them frustrated by the contumacious conduct of the putative owners, they are not less entitled to the serious attention of His Majesty's Government than the others; it therefore remains for the Governor to adopt such measures as to his Excellency may seem meet for securing to the parties a full, free, unprejudiced and impartial investigation of their claims, preparatory to such ulterior proceedings in the Court of Vice-Admiralty (which I conceive to be the only competent jurisdiction), as the result of that investigation shall appear to call for.

In the mean time I may be permitted to express my conviction, founded upon the insight which these investigations have given me into the abominable frauds committed in this colony and its dependencies against the Slave Laws, from the date of its capture down to the year 1823; that but for the contumelious obstruction already spoken of as having been offered to the protectorate officers in the execution of their duty, the result of the inquiries which they would have been enabled to make into these uninvestigated claims would have led, as they have done in the others, to a clear establishment of the facts upon which they are founded.

To the Hon.
The Colonial Secretary,
&c. &c. &c.

I have, &c.
(signed) R. M. Thomas,
Late Protector of Slaves.

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In pursuing the inquiries into claims of this nature, care was invariably taken to avoid any the least semblance of ostentatious zeal, by seeking for or endeavouring to ferret them out; but when they were made known through either the claimant himself, or by means of information obtained through evidence taken in other cases, to decline to entertain them would have been to refuse to the slave the means of acquiring the greatest of all blessings he could hope for under the laws made for his protection, namely, a release from the abhorrent bondage in which he may have been for years illegally held, in open defiance of the law of the land.

In taking evidence upon these cases, the testimony of prize-negroes, free or apprentice, was invariably sought for previous to having recourse to that of slaves, and for two reasons: first, that if the latter were imported in the same ship as the claimant, it gave the witness an indirect interest in the suit, and therefore might render his evidence open to objection, although not inadmissible; secondly, where evidence like this has been taken, the witness has been almost invariably exposed to the resentment of his own master as well as of the master of the claimant, and very frequently tampered with by bribes or menaces to give false testimony; and numerous instances have occurred where the witnesses cited by claimants to give evidence in their favour have declared themselves to have been falsely registered as Creoles, although not so in point of fact; and it was with a view to detect those numerous frauds in registration with reference to the individuals whose claims are involved in the cases sent with the letter hereinbefore transcribed, that the Protector suggested to his Excellency the Governor the indispensable necessity that each case should be accompanied by a certificate of registration before it was sent for prosecution.

Hitherto these prosecutions have been brought for adjudication before the only competent jurisdiction in the colony, the Court of Vice-Admiralty, and it is observable, that with the exception of one they have been in every instance successful.

Whether similar results may attend those that have not been so brought, or whether facilities similar to those that were afforded to the slave will be extended to the apprentice, to enable him to assert his right to a release, not from slavery, but from that coercive servitude which it was not the intention of the law to impose upon legally imported slaves, may be questioned, since the recent decision of the Judge in Admiralty in the case of *the Malay Soliman v. Gaillardon*, declares "the jurisdiction of that court, so far as respects the liberation of persons alleged to be holden in slavery subsequently to the 1st of February last, to be, if not explicitly taken away, rendered of none effect."

It is true, as will be seen from the following correspondence upon the subject, that an appeal has been made against that judgment to His Majesty in His Privy Council.—[See Sir W. Nicolay's despatch, 4th August 1835, and Lord Glenelg's answer, 11th January 1836.]

— No. 8. —

COPY of a LETTER from Sir G. Grey to the Secretary to the Compensation Commissioners.

No. 8.
Letter from Sir
G. Grey to Secretary
to Compensation
Commissioners.

Sir,

Downing-street, 8 February 1836.

I AM directed by Lord Glenelg to transmit to you, for the information of the Commissioners of Compensation, with reference to the 46th clause of the Slavery Abolition Act, the accompanying copy of a despatch from the Governor of Mauritius, with two volumes in original, containing the last Report of the Protector of Slaves for that island, up to the 1st February 1835.

Henry Hill, Esq.
&c. &c. &c.

I have, &c.
(signed) George Grey.

20 August 1835.

— No. 9. —

EXTRACT of a DESPATCH from Governor Sir W. Nicolay to Mr. Secretary Stanley.

Sir,

Mauritius, 5 June 1834.

IN obedience to the directions conveyed in your circular despatch of the 6th November last, I have nominated the eight undermentioned inhabitants of this island to be commissioners, with the Procureur-general and myself, under the Act for the Abolition of Slavery; viz.

Messrs. Guillemeau, Blythe, Gaillardon, members of Council of Government and gentlemen of great weight and respectability; Mr. Lucas, a French proprietor of great influence; Mr. Perrot, a leading attorney; Mr. Hunter, an English merchant; Mr. Davies, an English barrister; Mr. Jolivet, a notaire of high character.

No. 9.
Despatch from
Sir W. Nicolay to
Mr. Sec. Stanley.

No. 9.
Despatch from
Sir W. Nicolay
to Mr. Secretary
Stanley.

*Mr. Jeremie.

31 May 1834.

In making this selection, my object has been to ensure the services and the constant attendance of gentlemen of different professions and avocations; and who, whatever may be their general political opinions, are fully competent to the performance of the duty required.

I was certainly surprised at finding the names of Messrs. Lucas and Perrot (particularly the latter) specially recommended to me by the *Procureur-general, whom I had desired to converse upon the subject with a few of the principal inhabitants, as he formerly urged me to withdraw Mr. Perrot's commission, as stated in my despatch of the 27th October last (No. 83). I consider, however, that both these gentlemen are valuable members of the commission.

The board yesterday commenced its proceedings, the details of which will, of course, be transmitted to the Central Commissioners.

Your despatch of the 6th November did not arrive here until the 24th May, a period of between six and seven months. It must necessarily, therefore, be very late before the final labours of the commissioners for this colony can be received in London. Indeed, the greatest inconvenience is sustained from the tardiness and uncertainty of all communication between this country and England.

I have, &c.

(signed) *W. Nicolay.*

Enclosure.

Enclosure in No. 9.

Sir,

31 May 1834.

HAVING seen M. Gaillardon with M. Galdemar and M. Maure, these gentlemen decidedly incline in favour of M. Lucas as one, and surely no colonist can object to the former chairman of the committee, and it is a pleasure to find so sound a feeling among them.

They next recommend also M. Perrot, the barrister, as another gentleman worthy of selection. He, too, was a president of their committees, and is avowedly a strictly honest man; whilst his opinion as an unsalaried barrister will carry its weight with it.

In short, these gentlemen consider that the choice now suggested would go far to rally the whole country round the government.

I have, &c.

(signed) *J. Jeremie.*

— No. 10. —

COPY of a DESPATCH from Lord Glenelg to Governor Sir Wm. Nicolay.

Sir,

Downing-street, 5 August 1835.

I HAVE found upon inquiry that no transcript of a registry of slaves for 1832, or any subsequent period, has been received in this country from the Mauritius. A mere summary of returns made to the registrar in Mauritius, in 1832, has been transmitted by him to the registrar of slaves here; and from some documents now in this office, I am led to infer that proper measures were taken for completing a due registry of the slaves in the Mauritius, in the course of last year. As however there is no conclusive evidence here that such was the case, I have to request that, as soon as possible after the receipt of this despatch, you will report to me whether and when any registry for the year 1832, or for any subsequent period, has been completed, and what was the date of the last registry, including the slaves in the Seychelles. You will also transmit to me without delay a transcript of such registry.

I feel it my duty, with reference to this subject, to call your particular attention to the 1st and 12th clauses of the Act for the Abolition of Slavery, by which it is provided that the apprenticeship shall be imposed only on those slaves who on or before the time specified in the Act were duly registered as slaves, according to the laws then in force in Mauritius; and that all slaves not duly registered as before mentioned, shall be entitled to the unqualified enjoyment of their personal freedom on the 1st February 1835.

The returns to which I have adverted have been taken by the Commissioners of Compensation, under the 45th section of the Act, as the basis of the apportionment of a share of the compensation fund to the Mauritius; but these returns, in the absence of a due registry, would not affect the personal condition of the negro, who, if not duly registered, cannot be legally subject to the term of apprenticeship, although he may have been included in the number of those in respect of whom compensation has been awarded.

It

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Lord Glenelg to
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No. 10.
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Lord Glenelg to
Sir W. Nicolay.

It appears, moreover, that a claim has been made from Mauritius, and has been rejected by the Commissioners of Compensation, for including in the return of slaves in respect of whom compensation was to be awarded, 2,000 or thereabout, admitted not to have been returned or registered. As these slaves come clearly within those clauses of the Act to which I have referred, and consequently could not be lawfully employed as apprenticed labourers from the 1st February 1835, the day on which the Act came into operation in Mauritius, I presume that you have already taken the necessary steps for declaring them absolutely free. You will, I trust, also have taken the same steps with reference to any others who may not have been duly registered as required by the Act. Should you have omitted to adopt this course, I have to convey to you the desire of His Majesty's Government that you take immediate measures for carrying the provisions of the Act of Parliament, in the cases I have mentioned, into full effect.

I have, &c.
(signed) *Glenelg.*

— No. 11. —

COPY of a DESPATCH from Lord *Glenelg* to Governor Sir W. Nicolay.

No. 11.
Despatch from
Lord Glenelg to
Sir W. Nicolay.

Sir,

Downing-street, 22 January 1836.

I FEEL it my duty to call your attention to the deficiency which I have recently had to lament of official information on the general state of the Mauritius, and on various topics of importance connected with the affairs of the colony. Files of colonial newspapers have been placed in my hands, and communications have been addressed to me from several quarters, from which I collect that questions of great consequence, both as regards the pecuniary interest of a large body of proprietors in the colony and the personal liberty of a numerous class of His Majesty's subjects, have been agitated, but of which I have not been able to discover the slightest mention in any of your official communications.

I am informed that the registrar has refused to give the certificates of registration required by the Commissioners of Compensation as a proof of the title of individuals to receive any share of the compensation fund payable under the Act for the Abolition of Slavery, and that various proceedings have taken place in consequence of such refusal. Of the grounds of this conduct on the part of the registrar, and of the result of any proceedings taken in consequence of it, I am wholly uninformed: but I presume that doubts have been raised as to the validity, if not the existence, of a due registry of slaves in the Mauritius at the period required by the Act 3 & 4 Will. 4, cap. 73.

I am unwilling to believe that a question of such importance should have been discussed and brought under the notice of the local government and of the colonial tribunals, without your having addressed any communication to me on the subject; and I have for some time been expecting to receive from you a full statement of the circumstances under which such a question has arisen.

The despatches, however, which I have recently received from you, though of a later date than the occurrences to which I refer, are entirely silent on this matter. I have therefore to desire that you will, with as little delay as possible, send me a full report on this subject, and that you will put me in possession of all the information which is requisite to enable His Majesty's Government to form a correct opinion on the character and force of any objection which may have been raised to the registry of slaves at Mauritius, and on the grounds on which certificates of registration have been refused by the registrar.

If, as has been alleged, such certificates have subsequently been given, you will inform me what steps were taken to overcome the original difficulty, and what arguments or inducements prevailed with the registrar to waive the objections which in the first instance occasioned his refusal.

It must be unnecessary for me to advert to the extreme inconvenience which may result from the want of correct information on this question. This deficiency may seriously embarrass His Majesty's Government in deciding on

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Lord Glenelg to
Sir W. Nicolay.

the course which it will be their duty to take, and may occasion considerable delay in adjudicating the claims of individuals connected with the colony to a share of the compensation fund. I earnestly hope that a report from you on this subject may be at present on its way, and may shortly reach me. I cannot too strongly press on you the importance not only of sending from time to time to His Majesty's Government the fullest information on the general state of the colony, but of promptly communicating to them any particular circumstances of public interest which may be brought under the notice of the local government.

I have, &c.
(signed) *Glenelg.*

— No. 12. —

No. 12.
Despatch from
Sir W. Nicolay to
Earl of Aberdeen.

COPY of a DESPATCH from Governor Sir *W. Nicolay* to the Earl of *Aberdeen*.

My Lord,

Mauritius, 8 August 1835.

At the request of Mr. Dupont, a resident gentleman of this colony, I beg to forward to your Lordship the project of Mr. Naud, a merchant of Bourbon, for introducing into this island free labourers from the dominions of the Imaum of Muscat.

This plan appears to me to be little short of one for renewing the slave-trade, and if sanctioned would no doubt be productive of internal warfare at Zanzibar. Nor does it seem desirable to grant any exclusive advantage in this island to a merchant of Bourbon. I cannot therefore recommend it for your favourable consideration. But as much additional manual labour will be required for the cultivation of this island, the enclosed project shows that the Imaum's dominions present one source from whence it may be obtained, if any well-digested plan should be for that purpose devised.

I have, &c.
(signed) *Wm. Nicolay.*

Enclosure in No. 12.

Enclosure.

To his Excellency Sir *William Nicolay*, K.C.B., Governor and Commander-in-Chief of the Island of *Mauritius* and Dependencies, &c. &c.

Sir,

I HUMBLY beg to submit to your Excellency the following application :

Mr. Naud of Bourbon, merchant, who has resided at Mauritius 24 years, and has been most honourably known in business, has recently brought thither a project which cannot now be realized in the neighbouring island, owing to certain local circumstances, but the execution of which in this colony, is, in my humble opinion, in perfect accordance with the liberal views and principles entertained by the British Government.

Mr. Naud proposes to introduce into this island as many free labourers as may answer the public demand.

The time of labour has been greatly reduced by the laws of emancipation, and the amount of produce has fallen accordingly. The time thus lost must be made up by an increased number of labourers. This is universally desired by the colonists at large; and the person who should offer a certain and advantageous mode of procuring a supply of able hands, would surely be entitled to some favour at the hands of government, when coming forward with the positive means of augmenting the planter's revenue at a small cost, and of thus bestowing upon them a compensation to which they are entitled, independently of that allowed by Parliament, by the alacrity with which they have adopted all the measures prescribed by the Emancipation Act.

Several plans of a similar nature have previously been offered to the colonial public, and some of them have been laid before government. That of Mr. Naud differs entirely from all the others, by its origin, its combinations, its extension, and the details of its execution.

Mr. Naud is positively informed that the Imaum of Muscat is at present disposed to manumit such of his slaves for whom a pecuniary compensation should be given to him. Mr. Naud intends to offer such compensation to the Imaum for as many labourers as shall be introduced into Mauritius.

It is now to be apprehended that the loss of those hands shall induce the Imaum to procure other slaves to replace the manumitted ones. His subjects are far more numerous than he has occasion for; and the number which Mauritius may require can never be such as to cause a sensible decrease among them. To enter upon new wars, for the sake of making prisoners,

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prisoners, would be more onerous than advantageous to him. Besides, his well-known disposition is a sufficient guarantee against all such unfavourable supposition.

It will be laid down as the first condition, that all the individuals thus made free by Mr. Naud's purchase from the Imaum, shall be under the obligation of performing field labour for his benefit at Mauritius, during such time as shall be determined between him the said Naud, the Imaum, and the labourers, in an agreement as solemn and authentic as can be entered into before the proper authorities of the place.

It is evident that the Imaum and the labourers will readily accept of such terms, by the following motives: the former will thus perform a slave emancipation upon which he shall claim much credit at the hands of the British Government, and he shall at the same time receive a large pecuniary amount, which he cannot procure by his restricted commerce; the latter shall be freed from a painful state of slavery, and shall find their new condition so much better, that they shall receive in this colony a salary, previously determined in the agreement above mentioned.

The Island of Bourbon may probably soon follow the example given by Mauritius, and thus increase the number of manumissions in the dominions of the Imaum.

The labourers in question are very superior to the Indians and Chinamen, who have been of late brought into Mauritius; they are certainly more robust, more laborious, more docile, and less dissatisfied.

Mr. Naud has felt that the Imaum of Muscat is the only African ruler with whom such an operation could be permitted by government, not only on account of his well-known disposition, but because he stands in a very peculiar situation; because the nature of any agreement entered into with him can be easily ascertained; because he is the only one with whom such a plan be practicable, and with whom a treaty may be surely passed. In India or China the same measure could not possibly offer the same securities, nor the same advantages of every sort.

The realization of Mr. Naud's scheme must of necessity produce most important results in the country in which it is effected. Your Excellency will, at first sight, foresee the extension given to agriculture, the augmentation of its produce, and consequently of the public income. Every man must be happy to bestow such benefits upon any country, and the colonists of Mauritius would be glad to receive them from your Excellency's hand.

A scheme so fraught with happy consequences, as regards philanthropy, public economy and politics, cannot surely but obtain in England the approbation of all parties. Mr. Naud would have no aversion to its being submitted to the previous approbation of the Home Government, but he is very anxious to put it into immediate execution, because he is aware that the least delay may be productive of some change in the Imaum's designs, as far as relates to the emigration of his subjects; because another and nearer prospect may compel Mr. Naud himself to give another direction to his capital and industry; because any circumstance, apparently the most frivolous, may render the operation less advantageous or practicable as long as it is not begun.

For instance, the public is aware, and it has been printed in the Bourbon journals, that the Imaum invites to his dominions any enterprising planters who should be disposed there to establish sugar manufactories as a joint concern with him; and some months may give birth to a number of these establishments, so as to employ those subjects whom the Imaum would now permit to emigrate, and the Imaum may then forbid instead of allowing emigration. Such a result would be irreparably injurious to this colony.

Mr. Naud therefore humbly requests that your Excellency will be pleased to permit him (to the exclusion of all others, as the only possessor of the plan just submitted) to introduce from time to time into this island as many *free* labourers, subjects of the Imaum of Muscat, as shall be required to meet the demands of colonial agriculture, on condition that he does produce sufficient proof, whether by written documents emanating from the local authorities, whether by persons purposely despatched by the Imaum, that all the imported labourers are *free*, and that they have bound themselves under the authority of their sovereign, and by their own free will.

Besides all the above motives of security, another may be mentioned of no small weight, viz. the moral character of the petitioner.

As to the means of repression, I respectfully submit that the labourers in question might be without inconvenience subjected to the same laws as the apprentices, which measure would supersede the publication of any new special ordinance.

In concluding, I take the liberty of observing, that if Mr. Naud does not enter more fully into the minute details of his operation, it is for this reason, that he deems it prudent not to trust to a petition, revelations which are not absolutely necessary to be made in the exposition of his plan. He has, however, declared to me that he is fully prepared to give any explanations which your Excellency may consider to be needed; at the same time, I humbly beg to mention that your Excellency will be pleased to consider this present plan as being secret, and Mr. Naud's own private property, the use of which he reserves to himself, according to circumstances, whether in the colony, whether anywhere else.

Port Louis, 28 July 1835.

I have, &c.
(signed) J. Dupont.

No. 12.
Despatch from
Sir W. Nicolay to
Earl of Aberdeen.

Enclosure.

— No. 13. —

No. 13.
Despatch from
Lord Glenelg to
Sir W. Nicolay.

COPY of a DESPATCH from Lord *Glenelg* to Governor Sir *W. Nicolay*.

Sir,

Downing-street, 4 Dec. 1835.

I HAVE received your despatch of the 8th August last, forwarding copy of a letter addressed to you by M. Dupont, in favour of a project of M. Naud, a merchant of Bourbon, for introducing into the Island of Mauritius free labourers from the dominions of the Imaum of Muscat.

You justly observe that this plan, if carried into execution, might become in effect little else than a renewal of the slave trade.

However desirable it may be, in a commercial point of view, to obtain an additional amount of free labour at Mauritius, it is impossible that His Majesty's Government can, under any circumstances, permit the importation of apprenticed labourers from countries where the known condition of the inhabitants furnishes no solid security that they had entered into an engagement with their employers of their own free will and choice, and without compulsion of any description.

This most important objection, independently of the many others which must attach to any importation of labourers from the territories of the Imaum of Muscat, is quite conclusive against M. Naud's proposition.

Even in cases which would appear to be free from such objections as apply to this plan, experience has shown that the utmost care and circumspection in framing regulations, respecting free labourers imported into the colonies from foreign countries, has not in all instances succeeded in the prevention of abuse, or in securing to the labourer and his employer those mutual advantages which had been anticipated.

As you appear to be fully sensible of the importance and delicacy of the subject, I need only remind you that it will be your duty to regard with extreme caution any proposition having for its object the introduction of foreign labourers into Mauritius.

I have, &c.
(signed) *Glenelg*.

— No. 14. —

No. 14.
Despatch from
Lord Glenelg to
Sir W. Nicolay.

COPY of a DESPATCH from Lord *Glenelg* to Governor Sir *W. Nicolay*.

Sir,

Downing-street, 20 January 1836.

IT has been represented to me, on the authority of the public journals of Mauritius, that an Ordinance had been proposed by you for the adoption of the Legislative Council which, if passed into a law, would subject the whole labouring population of the Island, and especially persons who might be introduced there from the eastward, to restraints and penalties of so extremely onerous a nature, as nearly to revive, under a new name, the former servile condition of the great body of the people. I can scarcely believe that the statement, if it be not entirely without foundation, is at least not much exaggerated, yet as it rests apparently on no light authority, for the heads of the proposed law are stated at length in one of the colonial journals which has been sent to me for my inspection, I cannot feel entirely exempt from anxiety on the subject. You will have the goodness immediately to report to me, whether any law for the government of free labourers has been proposed by yourself, or by any other person, for the adoption of the Legislative Council. If so, you will immediately transmit to me a copy of any such proposed law. Further, you will distinctly understand that no law for regulating the relations between free labourers and their employers must be proposed by you, unless with the previous sanction of His Majesty to the terms of any such proposal; and that you are not at liberty to assent to any law of that nature if proposed by any other person, unless it contain a clause suspending its operation until His Majesty's pleasure shall have been signified.

I have, &c.
(signed) *Glenelg*.

— No. 15. —

COPY of a DESPATCH from Lord Glenelg to Governor Sir W. Nicolay.

No. 15,
Despatch from
Lord Glenelg to
Sir W. Nicolay.

Sir,

Downing-street, 18 February 1836.

HAVING already transmitted to you copies of the various statements which have been addressed to me by the two gentlemen connected with the Mauritius, who, as you are aware, have been residing in this country during the last 12 months, and who have announced themselves as deputies from a large body of the inhabitants, it is not my present intention to advert particularly to the representations which they have made, and on which I hope to receive from you a full report. It is almost superfluous to say, that in the absence of any information from you tending to confirm those representations, I have received them with great distrust, and with a suspended judgment. I have not failed to bear in mind that the statements in question, seriously affecting the conduct of some of the principal officers of your government, are wholly *ex-parte*, and have been made by persons at a distance from the scene and beyond the means of immediate refutation, and who moreover avoided the regular course of submitting their complaints in the first instance to yourself. I am also well aware that the unhappy propensity to exaggerate the faults of a political opponent and the evils of the social system, although not peculiar to any one country, has no where exhibited itself in so remarkable a light as in Mauritius, and in the discussions to which for the last few years the affairs of that colony have given birth. I have therefore studiously endeavoured to exclude, as far as possible, the undue influence of partial representations on my own mind. At the same time, I have drawn from the consideration of this subject one suggestion which appears to me of great practical importance.

His Majesty's Government entertain the fullest confidence in your anxious desire and unremitting endeavours to carry into full effect the wishes and intentions of His Majesty towards all classes of His loyal subjects in Mauritius, irrespective of origin or colour, by securing to them the freest exercise of those rights to which they are by law entitled. I need scarcely add, that every officer of your government is bound to render you the most prompt and efficient co-operation in obtaining this important end. Whether you have actually received such assistance at their hands I am unable to decide. From your own silence on the subject, I am led to presume that you have no complaint to make in that respect. The representations, however, to which I have referred tend to a different conclusion. Considering the distance of Mauritius from this country, and other circumstances peculiarly affecting that colony, I am convinced that the best security which can be adopted for the efficient and impartial discharge of their duties by executive officers will be to render them less independent of yourself, and to place them more directly under your control. You will therefore understand, that His Majesty authorizes, and even requires you to demand from all the principal executive officers of your government, and especially from the Procureur-general and the Procureur du Roi, a cordial adoption of your policy, and a cordial co-operation in carrying it into effect. These must be considered indispensable qualifications for such offices. Any gentleman who cannot concur in your policy and measures must either be called on to resign his place, or must, with unhesitating firmness, be suspended from it, and replaced provisionally by the person who shall appear to you best qualified to discharge the duties of the office with advantage to the public interests. In the event of your being called upon to exercise this power, you will not fail to report fully to His Majesty's Government, with as little delay as possible, the circumstances and grounds on which the removal of any public officer has taken place.

To obviate any possible misconstruction of my meaning, you should distinctly understand that this despatch is not to be considered as conveying any implied or tacit instruction to supersede either the Procureur-general or any other functionary, but is to be received simply as authorizing you to act according to your own deliberate conviction of the necessity of any such measure, if unfortunately such a necessity should arise.

I am persuaded that you will acquit yourself of this increased responsibility with discretion and firmness; and on the part of His Majesty's Government, I

No. 15.
Despatch from
Lord Glenelg to
Sir W. Nicolay.

can assure you of the most liberal construction of your conduct, and of a zealous support in every measure which the welfare of the colony and the protection of all classes of His Majesty's subjects may require you to adopt.

You will communicate this despatch to the chief executive officers of Mauritius.

I have, &c.

(signed) *Glenelg.*

MAURITIUS.

CORRESPONDENCE on the Subject of the Claims to Freedom on the part of Persons illegally detained in Slavery or Apprenticeship; and on the State of the Registry of Slaves in the *Mauritius.*

(*Sir George Grey.*)

*Ordered, by The House of Commons, to be Printed,
28 March 1836.*

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NEGRO EDUCATION.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 20 April 1836;—for,

STATEMENT showing the APPROPRIATION, in detail, of the Sum of £. 20,000 voted by Parliament in the Year 1835, towards the erection of SCHOOL-HOUSES in the COLONIES and SETTLEMENTS to which the Provisions of the Act for the Abolition of Slavery apply, and of the Conditions upon which it has been appropriated; together with a Statement of the Applications for Aid, hitherto not complied with, in consequence of the Grant for 1835 being exhausted.

Also, STATEMENT of the APPROPRIATION of the Sum of £. 5,000, to defray the Expense of NORMAL SCHOOLS for the Instruction of Teachers.

Downing-street, }
25 April 1836. }

G. GREY.

(*Sir George Grey.*)

Ordered, by The House of Commons, to be Printed,
27 April 1836.

NEGRO EDUCATION.

SCHEDULE showing the APPROPRIATION in Detail of the GRANT of 20,000 £. voted by Parliament in the Year 1835, in Aid of the BUILDING of SCHOOL-HOUSES for the Instruction of the Emancipated NEGRO POPULATION.

NAME of SOCIETY, or other Co-operating Agency.	COLONY.	Number of School-Houses.	Estimated Number of Scholars.	Proportion defrayed by Parliamentary Grant.	Defrayed from the Funds of Society or other Source.	TOTAL COST.	Statement of Applica- tions for Aid, now before the Colonial Department, which have not been complied with, the Par- liamentary Grant for 1835 being exhausted (B).
				£.	£.	£.	
Society for the Propagation of the Gospel.	Jamaica -	12	1,725	-	-	-	Schools, Jamaica - 14 Bahamas - 1 Barbadoes - 10 Tobago - 1 St. Lucia - 2 Grenada - 1 Dominica - 1 Bermudas - 2 Antigua - 25 Montserrat - 1 St. Kitts - 1
	Caymanas -	1	110	-	-	-	
	Bahamas -	1	80	-	-	-	
	Honduras -	1	80	-	-	-	
	Barbadoes -	10	1,220	-	-	-	
	Tobago -	1	140	-	-	-	
	St. Lucia -	1	140	-	-	-	
	Grenada -	1	130	-	-	-	
	Carriacou -	1	200	-	-	-	
	British Guiana -	5	990	-	-	-	
	Antigua -	7	1,020	-	-	-	
	Montserrat -	1	140	-	-	-	
	Barbuda -	1	140	-	-	-	
	St. Kitts -	1	140	-	-	-	
	Nevis -	1	140	-	-	-	
	Anguilla -	1	140	-	-	-	
	Virgin Islands -	1	140	-	-	-	
	Dominica -	2	230	-	-	-	
	Bermudas -	3	420	-	-	-	
		52	7,395	7,500	3,750	11,250	
Church Missionary Society.	British Guiana -	4	400	-	-	-	Jamaica - 3
	Trinidad -	2	200	-	-	-	
	Jamaica -	9	1,800	-	-	-	
		15	2,400	2,500	1,250	3,750	
Wesleyan Missionary Society.	Antigua -	2	470	-	-	-	Antigua - 1 Dominica - 1 Montserrat - 3 Nevis - 3 St. Kitts - 1 Tortola - 1 British Guiana - 4 Bahamas - 2 Barbadoes - 3
	Dominica -	2	* 230	-	-	-	
	Montserrat -	1	* 60	-	-	-	
	Nevis -	1	200	-	-	-	
	St. Kitts -	1	100	-	-	-	
	Tortola -	1	130	-	-	-	
	Bermudas -	1	200	-	-	-	
	St. Vincent -	1	300	-	-	-	
	Grenada -	1	150	-	-	-	
	Barbadoes -	2	200	-	-	-	
	British Guiana -	2	200	-	-	-	
	Bahamas -	2	300	-	-	-	
	Jamaica -	2	200	-	-	-	
		19	2,740	3,000	1,500	4,500	
London Missionary Society.	Jamaica -	8	900	-	-	-	Jamaica - 3 British Guiana - 14
	British Guiana -	8	1,100	-	-	-	
		16	2,000	3,000	1,553	4,553	
Moravian Missionary Society.	Tobago -	1	200	-	-	-	Tobago - 1 Jamaica - 6 St. Kitts - 2 Antigua - 3
	Barbadoes -	2	400	-	-	-	
	St. Kitts -	1	500	-	-	-	
	Antigua -	1	150	-	-	-	
	Jamaica -	3	540	-	-	-	
		8	1,790	1,500	750	2,250	
Baptist Missionary Society.	Jamaica -	4	770	-	-	-	Jamaica - 1 Bahamas - 1
		4	770	1,100	1,270	2,370	
Ladies Negro Education Society.	Antigua -	1	* 220	-	-	-	Antigua - 2 British Guiana - 1 Mauritius - 1 Jamaica - 1
		1	* 220	120	215	335	
Governor of Trinidad -	Trinidad -	3	* 450	-	-	-	
		3	* 450	500	(A) 250	750	
Trustees of the Mico Charity.	Mauritius -	6	* 900	-	-	-	
		6	* 900	780	780	1,560	
	TOTALS -	124	18,665	20,000	11,318	31,318	

(*) No special estimate having been furnished to this office of the numbers marked thus (*), the several amounts are calculated on the average proportions borne to the expense, and are assumed.

(A) Trinidad being included in the estimate of only one society, it has been thought proper to place at the disposal of the governor 500 £., to be applied in aid of voluntary subscriptions or grants of the colonial legislature for building school-houses. £. 250 is assumed as the average proportion borne to the Parliamentary Fund by other sources of contribution.

(B) It is understood that some of the societies have not made applications commensurate with their means of co-operation with His Majesty's Government, in consequence of not having been sufficiently prepared in the course of the last year with the requisite local information. It has been, however, intimated that they will be prepared to increase the number of their applications in the course of the present year. The Scottish Missionary Society have sent in a proposal to erect, with the aid of a portion of the Parliamentary Grant, 10 schools in Jamaica; but the application was not received until the whole of the grant for the year 1835 had been appropriated.

NEGRO EDUCATION.

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SCHEDULE showing the APPROPRIATION of the GRANT of 5,000 *l.* voted by Parliament in 1835 in Aid of
NORMAL SCHOOLS for the Purpose of Training Teachers.

NAME of SOCIETY, or other Co-operating Agency.	COLONY.	Sum granted out of Parliamentary Vote.	From what other Sources aided.	REMARKS.
Lord Sligo, Governor of Jamaica.	Jamaica -	£. 500	-- Voluntary subscrip- tions.	-- This school is designated "The Jamaica Metropolitan School," and is in connection with the British and Foreign School Society, and to be conducted on their plan and principles.
The Governor of Ba- hamas,	Bahamas	700	-- Voluntary subscrip- tions or grants of local legislature.	-- Of this sum, 300 <i>l.</i> is granted in aid of building a Normal school at Nassau; 75 <i>l.</i> has been allowed as passage-money to Mr. M'Swiney, who is gone out to superintend it; 31 <i>l.</i> 19 s. 8 d. has been paid for books for the use of the school, and the remaining 293 <i>l.</i> 0 s. 4 d. will be appropriated towards the payment for the first year of Mr. M'Swiney's salary, at the rate of 300 <i>l.</i> per ann.
Trustees of the Mico Charity.	Jamaica -	2,000	-- Funds of the Mico Charity pledged to this object to the amount of 5,950 <i>l.</i>	-- Arrangements to be made for opening the school at the earliest possible period.
Trustees of the Mico Charity.	Mauritius	1,000	-- Funds of the Mico Charity.	-- Office of superintendent and master of this school offered (March 1836) to Mr. Le Brun, a missionary now in Mauritius.
Trustees of the Mico Charity.	Antigua -	800	-- Funds of the Mico Charity.	-- Arrangements to be made for opening the school at the earliest possible period.
TOTAL - - £.		5,000		

(Circular.)*

Sir,

Downing-street, 10 September 1835.

I AM directed by Lord Glenelg to acquaint you that the sum of 20,000 *l.* has been placed by Parliament at the disposal of His Majesty's Government, to be granted in aid of voluntary contributions toward the erection of school-houses in the Colonies and Settlements, to which the provisions of the Act for the Abolition of Slavery apply. Lord Glenelg proposes, in the distribution of this sum, to avail himself, as far as it may be practicable, of the agency of the several religious societies at present engaged in promoting education among the negroes; and with this view his Lordship is prepared to receive from these societies specific applications for pecuniary assistance towards the erection of such school-houses for negro education as they consider to be required during the present year.

He has felt it right to lay down the following general conditions as indispensable to the reception of any such applications:

That each society making application be required to pledge itself to His Majesty's Government not to withdraw any portion of its funds now appropriated to negro education, in consequence of the aid to be received from the Parliamentary Grant.

That the society be required to certify that the school for which the aid is applied for, is, or is intended to be, conducted on the principles and plan sanctioned by the rules and constitution of the society applying.

That the society transmit with the application a statement of the Colony and situation in which the school-house is proposed to be erected, of its dimensions, and of the number of scholars which it is intended to hold; and an estimate of the probable cost of erection; together with such other particulars as may satisfy His Majesty's Government that the school-house is actually required, and that it is likely to be permanently appropriated to the instruction of the negroes.

That

* Copies to Church Missionary Society; Society for Propagation of the Gospel; Society for Conversion of the Negroes; London Missionary Society; Wesleyan Missionary Society; Baptist Missionary Society; Scotch Missionary Society; Moravian Missionary Society; Ladies Society for educating Negro-Children; British and Foreign Society.

That before any grant shall be made to a society towards the erection of a school-house, a written undertaking shall be given by some person authorised on behalf of the society, that a proportion of the estimated expense (to be fixed by His Majesty's Government*) will be provided out of the funds of the society.

It is not possible at present to fix the proportion of expense which can be defrayed from the Parliamentary Grant; and the amount may perhaps vary with the circumstances of the Colony in which the school will be situated. But it is desirable that His Majesty's Government should be furnished with as early an estimate as can be obtained of the required expenditure for the present year. For this purpose, I am to request that you will inform me if the society is prepared to avail itself of the co-operation of His Majesty's Government on the conditions above specified. In that case, I have further to beg that you will, at your earliest convenience, transmit to me, for the information of Lord Glenelg, a statement of the probable number of school-houses which the society may be desirous of erecting during the present year; of the Colonies in which they are to be situated; of the probable expense of erection, and of the amount which the society can pledge itself to contribute towards this expense.

It may not be unnecessary to add, that all such schools as may have received aid from the Parliamentary Grant, will be subject to the inspection of an officer appointed by His Majesty's Government for that purpose, who will report upon their state and efficiency.

It is not intended to interfere with the religious instruction given in the schools, but only to ascertain that they really conduce to the moral and religious education and improvement of the negro population, and thus answer the end for which the public money has been advanced.

I have, &c.,
(signed) *George Grey.*

* The proportion of the cost of each school-house defrayed out of the Parliamentary Grant was subsequently fixed not to exceed two-thirds.

NEGRO EDUCATION.

STATEMENT showing the APPROPRIATION, in detail, of the Sum of £. 20,000 voted by Parliament in 1835, towards the Erection of SCHOOL-HOUSES in the COLONIES.

(*Sir George Grey.*)

*Ordered, by The House of Commons, to be Printed,
27 April 1836.*

NOVA SCOTIA.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 26 April 1836;—for,

COPIES of the ADDRESSES of the HOUSE OF ASSEMBLY in *Nova Scotia*, to His Majesty, dated the 29th March 1834, of 15th January 1835, and in March 1836, with the PAPERS annexed to each, on the FOREIGN TRADE of that Colony, and on the EXPENSES of the CUSTOMS ESTABLISHMENT.

Colonial Office, }
29 June 1836. }

G. GREY.

SCHEDULE.

NOVA SCOTIA.—FOREIGN TRADE AND CUSTOMS ESTABLISHMENT.

- No. 1.—Address from the House of Assembly, dated 29 March 1834.
 No. 2.—Ditto - - - ditto - - - 15 January 1835.
 No. 3.—Ditto - - - ditto - - - 8 March 1836.
 No. 4.—Ditto - - - ditto - - - 15 March 1836.

— No. 1. —

ADDRESS from the HOUSE OF ASSEMBLY to THE KING'S MOST EXCELLENT
MAJESTY.

MAY IT PLEASE YOUR MAJESTY:

THE House of Assembly, in approaching the Throne on a subject of the deepest moment to your Majesty's subjects in Nova Scotia, would be wanting alike in their duty to your Majesty and those whom they represent, if they did not tender the assurance of their unabated loyalty and affection to your Majesty's Person and Government.

They are sensible it only requires to be made apparent that any measure of your Majesty's Government operates with unnecessary severity upon their industry, or retards their prosperity, to induce your Majesty to extend to them ample relief.

Of this injurious character is the system by which foreign trade with your Majesty's colonial possessions is regulated. By the Act of the Imperial Parliament, intituled "An Act to regulate the Trade of the British Possessions Abroad," foreign vessels laden with the productions of foreign countries are permitted to enter into three ports of the province only, viz. Halifax, Picton and Sydney. Under the denomination of warehousing ports, Liverpool and Yarmouth enjoy indeed a limited commerce with such countries, but the rest of your Majesty's subjects in Nova Scotia are absolutely prohibited from pursuing such trade from their numerous outports, except by incurring the danger, expense and delay of repairing to one of the principal ports for entry and

clearance. That Yarmouth and Liverpool are well situated for foreign commerce, their local position renders sufficiently obvious; and this is further confirmed by a reference to their trade during the past year. In Liverpool the tonnage employed in that period was 25,587 tons, and the exports and imports amounted to 71,287 *l. 5 s. 4 d.* Of Yarmouth the tonnage was 37,379 tons, and the official value of the imports and exports was 81,124 *l. 12 s. 2 d.* The shipowners of Lunenburg also, restricted as their enterprize is, a port which employs 167 vessels of 6,516 tons, and whose amount of exports and imports for the past year exceeded 35,000 *l.*, cannot import a single barrel of flour from the United States, nor can they ship to the West Indies or elsewhere foreign productions, except under similar disadvantages. Into the port of Windsor, from which in the same year were exported 120,000 tons of gypsum to the United States, no vessel can enter with her return cargo, except she calls into St. John's or St. Andrew's, and there pays the imperial duties, together with a variety of minor provincial charges, onerous to the shipowner and disadvantageous to this province.

From Cumberland, as appears by the official returns, were shipped last year to the United States, grindstones of the value of 9,890 *l.* sterling, and their demand for this article is yearly increasing, there being no quarries within their boundaries which can supply them; yet the commerce of Cumberland is subject to similar restrictions.

We forbear to enumerate in detail the trade of Arichat, Guysborough, Aygyle, Barrington, Shelburne, Digby, Annapolis, Cornwallis, Windsor, Douglas and Parrsborough, lest this address should be extended to an inconvenient length; but they are all equally affected by the present system.

The results are obvious: that part of the provincial revenue which arises from the imperial duties on foreign articles, paid as it is by the consumer, is to a considerable extent turned into New Brunswick. Smuggling, destructive alike of the morals of the people and the revenue of the colony, is encouraged and increased; and such are the facilities afforded by the contiguity of our American neighbours, and by the numerous outports, creeks and bays of the province, for illicit traffic, that a line of guarda costas only could materially affect it.

The House of Assembly are informed that American vessels occasionally load and unload, and that vessels of our own colony land clandestinely in the out bays and creeks, articles chargeable with duties, the payment of which, if authorized by law, they would not seek to evade; and as the inhabitants of the outports cannot comprehend either the wisdom or the justice of a system by which they are excluded from a participation in the privileges enjoyed by their fellow-subjects in the favoured ports, their sympathies are excited in favour of the illicit trader.

But if your Majesty would graciously extend the privileges of the free warehousing system, which were in fact enjoyed by Yarmouth and Liverpool before the passing of the last Imperial Act, once more to these ports; to the port of Lunenburg that of a warehouseing port, and would also concede to the inhabitants of the other ports the right of bringing as return cargoes from foreign countries such of their productions as are now admissible into the free warehousing ports, the House of Assembly respectfully assure your Majesty that the people, no longer having either a pretence or reason for complaint, would naturally aid the officers of the revenue in putting an end to a traffic which, even under their present difficulties, they view with anxious solicitude from a conviction of its demoralizing tendency.

That it is essential to the public interests that the revenue should be increased by the proper collection of duties of customs, to enable the province to provide for a large public debt, to keep up the roads and bridges, and to make a suitable provision for the different public officers; and the House in its present session, from the state of the revenue and the public debt, will be unable to make the provision for the roads and bridges which the public interests require, and which, under a different system of custom-house regulations, would be provided by the collection of custom duties at the outports.

Such

Such is the present system, and so perceptible are its pernicious results, that the House of Assembly, unwilling to further trespass upon your Majesty's attention, would here conclude this address, did not circumstances force upon the House the belief that the cause of these restraints is to be found in the alleged expense of the increase of the establishment of the customs, which the extension of these privileges would require. This subject, as well as that noticed in the previous part of the present address, was brought under the consideration of your Majesty by an address of the House which passed in the session of 1832, to which no reply has yet been communicated to the House.

To that address, the resolutions upon which it was founded, and to the following brief detail, the attention of your Majesty is humbly, yet earnestly, solicited.

During a period of many years, the colonies of which your Majesty's province of Nova Scotia was one, complained that the fees exacted on their coasting trade were burthensome and disproportionate to the services performed; they sought relief from the burthen, but did not complain of the system of remunerating the officers of customs by fees. They knew that thus all classes of your Majesty's subjects, as well those residing in the mother country as in the colonies, contributed to bear a burthen necessary to the due enforcement of the navigation laws of the empire.

When it pleased the Imperial Parliament to abolish this system, it was declared that the measure was one of relief to the colonies, and that it was not intended that the mother country should benefit by the change. Yet Nova Scotia, preceding the other colonies, was the first to grant, not merely a sum equal in amount to that which had been previously paid in fees, but a larger sum; for your Majesty will perceive that the total amount which, in currency, was paid in the province in fees, was but 6,958 *l.* 18 *s.* 2 *d.*, when the free system was abolished; whereas the sum granted by the Act, to provide for the custom-house establishment in Nova Scotia, was 7,144 *l.* 18 *s.* 9 *d.* currency, or 6,430 *l.* 9 *s.* sterling.

The House then felt, as they now feel, that the very fees which had burthened their coasting trade, and of which alone they had for many years complained, had swelled the sum paid to the officers to an amount far beyond what ought in justice to have been awarded to them; they observed that the scale of salaries proposed was extravagant; that it was intended to appoint several officers to do duties which, under the fee system, had been, or might be performed by one: yet, foreseeing that the extension of the trade of the colony would probably require an increase of their establishment; that it was the prerogative of the Crown to establish the amount of their salaries; that it was to the colony immaterial whether the whole sum given was allotted to one officer or distributed among many, the Assembly at once gave the sum required from them.

They did more; they granted, as a free gift to your Majesty's late Royal Brother and Predecessor, the whole sum of 25,087 *l.* 1 *s.* 11 *d.* sterling, which had been previously retained by these officers, and for which the House had before held them personally responsible.

Of this measure your Majesty's Lieutenant-governor, Sir Peregrine Maitland, in his address to the House at the conclusion of the session of the year 1829, remarked as follows: "Your Bill, making permanent provisions for the custom-house establishment, I will transmit with pleasure for the consideration of His Majesty. It will not fail to convey a fresh proof of the enlightened public spirit, and the sense of justice towards the mother country, which have guided your legislative proceedings, and tended to confer on them a character so honourable to the province."

Nor did the House refrain from distinctly announcing the principles upon which they adopted this step. Your Majesty will see, by reference to their address of the 16th April 1829, and the scale of salaries which accompanied it, that they were candidly submitted to the King's Government; and in the acceptance of their humble, yet to them large contribution, the people of the colony saw these principles sanctioned and confirmed.

They did not, and could not, anticipate that no further extension of foreign trade was to be conceded to them unless they made further contributions to the support of the establishment of the customs: yet within 13 months only after this acceptance, the honourable Board of Customs, in their letters to their principal officers of this port, of the 4th May 1831, 26th August 1831, and 27th August 1831, and in that of these officers of the 14th November 1831, distinctly require such further contributions before other officers necessary for the trade, should be appointed in the colony.

The expence of this establishment in the last year, in this small colony, amounted to 8,928*l.* 1*s.* 7½*d.* sterling, the whole of which was, with the exception of 1,000*l.*, levied from the people of this province; and we humbly apprehend that this expenditure might be judiciously and greatly diminished; but this we cheerfully refer to your Majesty's wisdom, praying only that its magnitude may not be permitted to cramp our industry, by closing our out-ports.

And we would further humbly assure your Majesty that, although the House is satisfied the bonds taken on warehousing goods might in general be safely relied on, and the expense of warehousing avoided, (a system which has been in beneficial operation in this colony for many years,) yet the extension even of the free warehousing system does not require the numerous officers employed, or suggested to be necessary. The collectors at Picton, at Liverpool, at Yarmouth, and at Sydney, might well perform the duties of warehouse-keepers and other incidental duties; while those in the other outports could, with more facility, do all, and more than would be required from them, without being burthened with employment.

Anterior to the adoption of the present system, the pro-collectors did the duties of collector, comptroller, surveyor and searcher, and tide-waiter; and this was approved by the honourable Board of Customs, in their letter of the 31st July 1821; and the House of Assembly submit that there is nothing either in the present trade, or that to result from the opening of the ports in the manner now asked, that will prevent their being thus occupied.

We would further bring to the notice of your Majesty, that with the port of Pugwash, in the eastern part of the county of Cumberland, there is carried on a very considerable trade in wood to Britain. During the last year, 24 square-rigged vessels were laden with timber; and the business appears to be increasing. The inhabitants of that part of Cumberland having by petition, during the present session, represented that the masters of these vessels are obliged to travel 40 miles to the collector, whose place of residence is in the western part of that county, and praying that a custom house be established at Pugwash; of this subject also we humbly solicit your Majesty's gracious consideration.

We annex an Account, exhibiting in detail the sums payable for the salaries of the officers of the customs in this province; and humbly but earnestly pray that, taking the premises into your Royal consideration, you will be graciously pleased to renew to the ports of Yarmouth and Liverpool the privileges of free warehousing ports; to grant to the port of Lunenburg those of a warehousing port; and to every other port in the province where there is an officer of the customs established, the right of importing, in British or colonial vessels, the articles which are now admissible under the said Imperial Act, into the ports therein specified.

In the House of Assembly,
22 March 1834.

(signed) S. G. W. Archibald,
Speaker.

FOREIGN TRADE OF NOVA SCOTIA.

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PORT OF HALIFAX, NOVA SCOTIA.

AN ACCOUNT of the NAMES, EMPLOYMENT and SALARIES of the respective Officers of His Majesty's Customs, throughout the Province, with the Incidental Charges, during the Year 1833.

NAMES.	EMPLOYMENT.	SALARIES.		
		£.	s.	d.
Thomas N. Jeffery - -	collector - - - - -	1,500	-	-
R. Best - - - - -	1st clerk - - - - -	250	-	-
J. W. Madden - - -	2d clerk - - - - -	200	-	-
F. G. Foster - - - -	3d clerk - - - - -	150	-	-
J. Wallace - - - - -	controller and landing surveyor	750	-	-
D. H. Watson - - - -	waiter and searcher - -	350	-	-
Joseph Dean - - - -	- ditto - - - - -	350	-	-
W. H. Iles - - - - -	warehouse keeper - - -	300	-	-
F. W. Achesen - - -	tide surveyor - - - - -	150	-	-
Thomas Holder - - -	- ditto - - - - -	150	-	-
John Gurley - - - -	extra clerk - - - - -	182	10	-
Samuel Story - - - -	- ditto - - - - -			
Robert Dimmett - - -	locker - - - - -	73	-	-
James Wale - - - - -	boatmen - - - - -	146	-	-
William Hays - - - -				
Tidemen - - - - -	- - - - -	198	12	-
Joshua Newton - - -	sub-collector, Liverpool	200	-	-
J. H. Freeman - - - -	sub-controller ditto	150	-	-
C. White - - - - -	sub-collector Shelburne	100	-	-
A. S. Bruce - - - - -	- ditto - Lunenburg	150	-	-
Joseph Homer - - - -	- ditto - Barrington	100	-	-
John M'Kinnan - - - -	- ditto - Argyle	100	-	-
A. V. S. Forbes - - -	- ditto - Yarmouth	200	-	-
E. C. Grantham - - -	warehouse-keeper, Yarmouth	150	-	-
S. Campbell - - - - -	sub-collector, New Edinburgh	100	-	-
John E. Morton - - -	- ditto - Digby	120	-	-
H. Goldsmith - - - -	- ditto - Annapolis	120	-	-
D. Whidden - - - - -	- ditto - Cornwallis	150	-	-
P. Wright - - - - -	- ditto - Windsor	150	-	-
J. H. Noonan - - - -	- ditto - Picton	200	-	-
Oliver Cotton - - - -	warehouse-keeper, Picton	150	-	-
M. Gordon - - - - -	sub-collector, Cumberland	100	-	-
Duncan M'Coll - - - -	- ditto - Guysborough	120	-	-
J. W. Benn - - - - -	collector, Cape Breton	400	-	-
C. E. Leonard - - - -	controller, - ditto -	250	-	-
John Jean - - - - -	sub-collector, Arichat	200	-	-
G. E. Leonard - - - -	tide-surveyor, Bridgeport	100	-	-
Waiter - - - - -	at Picton - - - - -	12	-	-
Two boatmen and boat hire	- ditto - - - - -	2	2	10
Waiter - - - - -	at Liverpool - - - - -	3	12	-
Ditto - - - - -	at Yarmouth - - - - -	8	8	-
Surveying officer - - -	- - - - -	35	5	3
Incidental expenses - -	stationery, fuel, repairs of building, &c. &c.	116	4	9
Postage - - - - -	- - - - -	85	6	9 ½
Housekeeper - - - - -	- - - - -	5	-	-
		£.	8,328	1 7 ½

Custom House, Halifax,
16 February 1834.

(signed) J. H. Madden,
Pro-Collector.

(signed) J. Wallace,
Compt' and Landing Surveyor.

STATEMENT, exhibiting the SALARIES of the respective Officers of His Majesty's Customs, throughout the Province of *Nova Scotia*; showing the EXPENSES of the Department, and in what manner the same are defrayed.

Dr	£.	s.	d.	Cr	£.	s.	d.
To amount of salaries and incidents, as specified in the preceding page -	8,328	1	7 ½	By provincial legislative grant of 5 January 1829 7,144 l. 18 s. 9 d., reduced to British sterling	5,998	15	4
To compensation allowed to collector for past services, &c., in lieu of loss sustained on abolition of fees and reduction of salary -	500	-	-	By duties received under Acts prior to 18 Geo. 3, c. 12 - - - - -	1,893	4	11 ½
To compensation allowed controller and landing surveyor for past service, &c., in lieu of loss sustained on abolition of fees and reduction of salary -	100	-	-	By this sum advanced from account of seizures, to be drawn for on receiver-general of His Majesty's Customs - - - - -	1,000	-	-
				By balance to ditto - - -	36	1	4
£.	8,928	1	7 ½	£.	8,928	1	7 ½

Custom House, Halifax,
16 February 1834.

(signed) *J. Wallace*,
Compt^r and Landing Surveyor.

(signed) *J. H. Madden*,
Pro-Collector.

— No. 2. —

ADDRESS from the HOUSE OF ASSEMBLY to THE KING'S MOST EXCELLENT MAJESTY.

The humble Address of the House of Representatives in General Assembly, for the Province of *Nova Scotia*.

MAY IT PLEASE YOUR MAJESTY:

THE House of Assembly of your Majesty's province of *Nova Scotia*, now in legislative session convened, approach the Throne with unaltered sentiments of loyalty and attachment to your Majesty's Person and Government: they know, that although they form but a humble Portion of the empire, their interest and welfare have never been forgotten in the enactment of laws for the regulation of the commerce of your Majesty's widely-extended dominions; but in the adjustment of the various and complicated relations which exist amongst them, it is not extraordinary if some of these laws should be found by experience to be injurious, or to be susceptible of amendment.

Thus by the statute 3 & 4 Will. 4, c. 59, Yarmouth and Liverpool were deprived of the privileges of free warehousing ports; but upon the humble address of the House of Assembly, passed at its last session, your Majesty was graciously pleased to renew to these ports the same freedom of trade which they had enjoyed anterior to the enactment of that statute; and for this prompt and gracious attention to their wishes, the House of Assembly tender their grateful acknowledgments.

But the House of Assembly crave leave to recal your Majesty's attention to the various considerations set forth in that address, not only as regards the greater freedom of trade with foreign countries prayed for, but also as to the means of liquidating the necessary expenses of such further customs' officers as may

may be required, if your Majesty should grant the colony the relief sought, to the utmost extent asked for by its inhabitants.

The House of Assembly are concerned to perceive, in the communication submitted to the House by your Majesty's Lieutenant-governor, in reply to that address, that your Majesty's Government appear to have adopted it as a principle, even with respect to the minor ports in the colony, that foreign productions shall not be brought into them in British vessels, without, at the same time, similar advantages being extended to those owned by foreigners. But it is humbly conceived, that the ports of Annapolis Digby, Windsor, Douglas or Parrsborough, Cornwallis and Cumberland, may be placed within the operation of the fourth section of the said Act of Parliament by which your Majesty is authorized to constitute ports with limited privileges in rivers and bays, without any violation of the comity referred to in that communication, and without provoking the retaliatory measures which are apprehended by the Lords Committee of Trade and Plantations. It is known to your Majesty that the land and sea from Cape Sable in Nova Scotia, and St. Andrew's in New Brunswick, to the head of the Bay of Fundy, are exclusively British; that the exports to the United States, with which the trade is principally carried on, consisting of gypsum and grindstones, are produced of such quality, in such quantities, and with such facilities for shipment and transport in these colonies, as to render the people of the Union in some measure, if not wholly dependent upon New Brunswick and Nova Scotia, for productions indispensable for the culture of their soil, and the prosperity of many of their infant manufactures.

If, therefore, the local position of these ports be such as to enable your Majesty, without violating any treaty, or infringing the spirit of those commercial relations which your Majesty desires to uphold with foreign states, to extend the privileges of importing in return for their exports, in their own vessels only, the produce of foreign countries into these ports, the House of Assembly humbly trust that your Majesty will grant the prayer of the House of Assembly in respect to them.

As foreign vessels also may enter the free warehousing ports of this province, the House of Assembly do not apprehend that any objection could with propriety be made by foreign nations to the extension of the privileges now solicited for the other ports of the colony.

We would further humbly submit, that as British vessels are by the before mentioned statute allowed to import into Newfoundland foreign articles, without the same privileges being granted to foreign shipping, the same policy may for the present be extended to this colony; and if complaints are in consequence made by any foreign nation, the ports thereof may then be constituted free warehousing, or free ports, or ports with limited privileges, according to the local situation and importance of each.

But may it please your Majesty, if the settled policy of your Government be such as is announced to us in the communication hereinbefore referred to, rather than that the enterprise and industry of our people should be checked and impeded, and their morals corrupted by the contraband trade forced upon them by the present unwise restrictions, the House on their behalf humbly pray your Majesty to open the ports of the province hereinbefore and hereinafter enumerated, as well to foreign as to British vessels. Among the many evils with which the present system abounds, is the loss to our provincial revenue at a period when we can ill afford it.

The only ports in the Bay of Fundy into which British vessels can enter from foreign ports, with articles of foreign growth, produce or manufacture, are the free warehousing ports of St. Andrew's and St. John, both in the province of New Brunswick. Whatever revenue therefore is derivable from the imperial duties on such articles, when brought by the vessels of Nova Scotia in return for their fish, gypsum, grindstone and agricultural produce, is either wholly lost to the colony, or goes to swell the funds of our sister province. But the delay, the expense and inconvenience, the loss of one voyage in three, together with the facilities afforded for smuggling by the numerous out-bays and creeks of the Bay of Fundy, are inducements so powerful as frequently to impel the owners of our coasting vessels, who are chiefly very poor, to run the risk of detection, rather than to ruin themselves in detail by stopping on their voyages up the bay to enter in St. Andrew's or St. John.

We would further humbly entreat your Majesty's attention to the indispensable necessity which exists for the opening as free warehousing ports, Lunenburg and Arichat : the people of the former are inferior to none in integrity, industry, and commercial enterprize ; they own 180 vessels, about 9,000 tonnage, manned by 900 men ; the value of their exports, restricted as their trade is, was in 1833 about 22,000 *l.* actual value, and their imports 18,000 *l.* We entreat your Majesty to imagine the wounded feelings with which the inhabitants of such a port must regard their more favoured neighbours of Liverpool and Halifax.

For Arichat in Cape Breton, the first commercial port in that island, with equal earnestness must we urge its undoubted claims to the like privileges, for which the inhabitants of that section of the province have besought us during the present session to intercede with our most gracious Sovereign. So long ago as the year 1828, the exports from this place were 39,227 quintals of dry fish, 12,559 barrels of pickled fish, and 1,323 barrels of oil, without mentioning any other articles ; and 220 vessels were then owned there. In the spring of 1833 there were launched and on the stocks upwards of 2,000 tons of shipping, besides small coasters. During the summer an active herring fishery was carried on by their vessels at the Magdalen Islands and Bay St. George ; besides which, the mackarel fishery in the autumn was closely pursued, and a large export of pickled fish took place to Quebec. From Arichat, situate on the sea-board at the entrance of the Gulf of St. Lawrence, and selected by many of your Majesty's loyal subjects, merchants of your Majesty's Island of Jersey, as a residence for themselves or agents, an extensive trade has always been carried on to the Mediterranean, South America, the British West Indies, Great Britain, the Canadas, Spain, and the United States.

While the House of Assembly do not conceive it to be necessary or expedient that the expense of warehousing should be incurred in other ports, except circumstances or the policy of your Majesty's Government render it absolutely necessary, the House of Assembly at the same time distinctly announce that, as well with regard to all the ports hereinbefore mentioned, as to the following, viz. the ports of North and South Sydney, Shelburne, New Edinburgh, Barrington, Argyle and Guysborough, if no alternative is presented to them but that of their ports remaining as at present, closed to the fair trader but free to the smuggler, or open to foreign vessels as well as our own, the House is prepared to accept the latter, and humbly pray this boon from your Majesty. Already, by the operations of the fair trader and of the smuggler, our province is filled with such of the productions of the United States of America as they can manufacture at a lower rate than Great Britain ; already the vessels of that republic clandestinely frequent our outports, exchange foreign productions with their inhabitants for their fish, their lumber, their gypsum, and their grindstones. If American vessels were allowed to bring their flour, &c. to our outports, take in return our gypsum, &c., the House of Assembly conceive that our vessels would also take our productions to their ports, and bring back their own to our ports, unless our people are unequal to those of the neighbouring states in skill, in industry, economy and enterprize, which the House of Assembly cannot admit ; and it will be conceded that occasionally, if not generally, the American vessels would bring specie wherewith to purchase their return cargoes.

The House of Assembly, with reference to the increased expense of the extension of trade now sought for by the province, humbly refer your Majesty to the address, and the documents to which it refers, which was forwarded to your Majesty during the last year. And conceiving, as the House of Assembly do, that in the contribution by the Act, by which 6,430 *l.* 9*s.* sterling are granted to the support of the customs of the colony, it pays more than its fair proportion of the necessary expense of the establishment, and moreover, that if this sum were judiciously distributed, it is of itself sufficient to extend to the province the facilities now besought ; would further humbly crave your Majesty's attention to the impropriety of applying towards its support, the produce of what are usually denominated the old Crown duties, and which are made specifically applicable to the military defence of the colonies, by the Act of Parliament under which they are levied. Although this Act was passed anterior to the Act of Parliament of the 18th Geo. 3d, usually called the Magna Charta of the colonies ; yet it has always been held by the colonists, that

that the latter was but a recognition of the true principles of the constitution under which it is our happiness to live ; and that the application of the Crown duties to any purpose, without the authority of the Provincial Legislature, is a violation of those principles. But when, may it please your Majesty, your faithful Commons of Nova Scotia are informed, that the produce of these duties, annually amounting to about 1,800 *l.* sterling, is applied to defray the expense of an establishment, already, as the House conceives, sufficiently provided for by the colony, they cannot but pray your Majesty to direct that the amount of these duties be annually paid into the provincial treasury, to be applied, under the vote and authority of the Provincial Legislature, to the military defence of the colony, or in such other way in support of Your Majesty's Government, under the directions of the representatives of the loyal people of your Majesty's Province of Nova Scotia, as they may judge expedient.

In the House of Assembly,
15 January 1835.

S. G. W. Archibald,
Speaker.

— No. 3. —

ADDRESS from the HOUSE OF ASSEMBLY to THE KING'S MOST EXCELLENT
MAJESTY.

The Humble Address of the House of Assembly of the Province of *Nova Scotia*, in Legislative Session convened.

MAY IT PLEASE YOUR MAJESTY :

THE House of Assembly again most humbly yet earnestly recal your Majesty's attention to the subject of their several addresses of the 29th March 1834, and the 15th January 1835.

The House of Assembly respectfully submit that the remission of the duty on foreign flour, although a measure in itself acceptable to the House, will not afford their constituents the relief which they seek.

It will not open to foreign commerce the ports which are now closed, nor will it diminish the burthensome expense of the customs establishment, if the policy of your Majesty's Government should require that those ports should remain as at present.

As regards the additional expense of numerous officers of the customs, which it is suggested will become necessary, the House of Assembly humbly submit that upon no principle of justice ought this consideration to induce your Majesty to withhold from your loyal people of Nova Scotia the relief they so earnestly desire.

This is apparent from the reasons set forth in the before mentioned addresses, to which the House humbly refer your Majesty, and to which, as this House respectfully conceive, no sufficient consideration has ever yet been given.

The House of Assembly therefore humbly pray that your Majesty will take the prayer of their constituents into your gracious consideration, and grant them relief in the premises.

In the House of Assembly,
8 March 1836.

(signed) S. G. W. Archibald,
Speaker.

— No. 4. —

ADDRESS from the HOUSE OF ASSEMBLY to THE KING'S MOST EXCELLENT MAJESTY.

The Humble Address of the House of Assembly of the Province of *Nova Scotia*, in Legislative Session convened.

MAY IT PLEASE YOUR MAJESTY :

THE House of Assembly approach your Majesty with unabated sentiments of affectionate attachment, and beg leave to assure your Majesty that no one of your dependencies surpasses this your faithful province of Nova Scotia, in zealous devotion to your Person and Throne.

The House of Assembly beg leave humbly to inform your Majesty, that they have always evinced a readiness to concur with your Majesty's wishes, in making what they have deemed an ample and compensatory provision for the various public functionaries of your Majesty in this province; and they would humbly submit that your Majesty possesses not any subjects more disposed or capable of devoting themselves with fidelity and zeal to serve your Majesty in those several branches of the public government. Thus impressed, the House of Assembly cannot abstain from expressing the regret with which they find that your Majesty's subjects in this province are studiously overlooked in the selections to fill places, however inferior and subordinate, in the department of your Majesty's customs, established in this province, notwithstanding they so amply support the same.

The House of Assembly would suggest the necessarily discouraging influence which such a partial system of patronage must create in repressing a spirit of improvement among the youth of the province, and in extinguishing those stimulants to qualify themselves by study and attention for offices of a public nature, which a knowledge of their being accessible always produces.

The House of Assembly have seen with pleasure a recent instruction of your Majesty to the Lieutenant-governor of Upper Canada, by which your Majesty is graciously pleased to express your commands that for public employments natives and settled inhabitants should be selected, with occasional exceptions; a proof, as is therein alleged, of your Majesty's settled purpose to exercise your prerogative for no other end than the good of your colonial people. The House of Assembly humbly solicit an extension of the same gracious intentions to your subjects of this province, and your Majesty may feel assured that among no other class of your subjects can your Majesty command the services of a people more devoted to those principles which sustain the power and the dignity of your Throne.

In the House of Assembly,
15 March 1836.

(Signed) S. G. W. Archibald,
Speaker.

NOVA SCOTIA.

COPIES of the ADDRESSES of the HOUSE OF
ASSEMBLY in *Nova Scotia*, to His MAJESTY,
on the FOREIGN TRADE of that Colony, &c.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
30 June 1836.

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VAN DIEMEN'S LAND.

RETURN to an Address of the Honourable The House of Commons,
dated 4 July 1836;—for,

COPIES of TWO DESPATCHES from the LIEUTENANT-GOVERNOR of
Van Diemen's Land, bearing date respectively the 1st December 1833 and
24th of October 1834, on the subject of the Erasure of Mr. *William Bryan's*
Name from the Commission of the Peace, and the withdrawal of his
assigned Servants.

Colonial Department, }
8 July 1836. }

G. GREY.

(*Sir George Grey.*)

Ordered, by The House of Commons, to be Printed,
11 July 1836.

1.—COPY of DESPATCH from <i>George Arthur</i> , Esq. to the Right hon. <i>E. G. Stanley</i> ,	
dated 1 December 1833	- - - - - p. 3
Enclosure, No. 1	- - - - - p. 3
Enclosure, No. 2	- - - - - p. 4
Enclosure, No. 3	- - - - - p. 6

2.—COPY of DESPATCH from <i>George Arthur</i> , Esq. to the Right hon. <i>E. G. Stanley</i> ,	
dated 24 October 1834	- - - - - p. 8
Enclosure, No. 1	- - - - - p. 13
Enclosure, No. 2	- - - - - p. 13
Enclosure, No. 3	- - - - - p. 13
Enclosure, No. 4	- - - - - p. 14
Enclosure, No. 5	- - - - - p. 15
Enclosure, No. 6	- - - - - p. 15

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VAN DIEMEN'S LAND.

— 1. —

COPY of a DESPATCH from *George Arthur, Esq.*, to the Right Honourable
E. G. Stanley, &c. &c. &c.

SIR,

Van Diemen's Land, Government House,
December 1, 1833.

IN regulating the discipline of the convicts, one of the greatest difficulties, and to which much attention has been paid by the local Government, has been the distinguishing of the persons who might with propriety be entrusted with the care of assigned servants.

Despatch from
Lieut.-Governor,
to the Right, hon.
E. G. Stanley,
dated Dec. 1, 1833.

It is evident that in this respect misapprehension of the real character of individuals, and a want of information as to the mode in which they usually conduct their establishments, may be productive of very great evil. Felons committed to the charge of unprincipled individuals, however wealthy and however respectable by connections in their former places in society their masters may be, will neither be reformed nor punished.

It has been a great object with the Government to avoid assignments to such persons, and I am gratified in being able to state that the precautions taken have generally been successful.

On all occasions, however, this has not been the case. Mr. William Bryan, a settler in the Cornwall division of the island, has not only had assigned servants, but has for some years been in the commission of the peace.

The accompanying documents show that Mr. Bryan has had the most improper transactions with his assigned servants: these, with the circumstances connected with the conviction of Samuel Arnold for cattle-stealing, led the Council to advise that his name should be erased from the commission of the peace, and that his assigned servants should be withdrawn.

Mr. Bryan is an individual possessed of considerable property, and his connections at home are, I believe, highly respectable; and, as is usual in such cases, he will, I have no doubt, make every exertion to resent the injury he may conceive he has received, and to evince that he has been unjustly treated.

Such consideration, however, did not for a moment dispose me to decline adopting, after due deliberation, the advice of the Council; and I am fully convinced that the marking of his misconduct in this manner, and especially by the withdrawal of his servants, will have a better effect than had twenty individuals in a humbler sphere been visited with a similar expression of the displeasure of Government for offences of a like nature.

I have, &c.

(signed)

George Arthur.

(Enclosure, No. 1.)

EXTRACT from the MINUTES of the EXECUTIVE COUNCIL on the 27th day of November 1833.

Extract from
Minutes of Executive Council,
Nov. 27, 1833.

Present:—His Excellency the Lieutenant-Governor.
His Honour the Chief Justice.
The Senior Chaplain.
The Colonial Secretary.

WITH reference to the depositions in the case of Samuel Arnold,* implicating Mr. William Bryan, the Lieutenant-Governor laid before the Council a statement drawn up by the Crown Solicitor, to whom the several papers had been referred, and who stated it as his opinion that though criminal proceedings could not be instituted against Mr. Bryan, as no distinct charge could be substantiated against him, yet he felt it to be his duty to observe, that these documents contained matter so truly reprehensible in every sense, that but one opinion could be formed on their perusal.

* This man was convicted of cattle-stealing, and his case was considered in Council on the 15th of November 1833.

It appeared, that in an information against Mr. Bryan for harbouring a runaway convict named Huxley, though the case had been dismissed as to the *harbouring*, yet it was clear

Extract from
Minutes of Executive Council,
Nov. 27, 1833.

from the evidence that Mr. Bryan, so far from taking reasonable precaution to prevent his being imposed upon with respect to the man's freedom, had actually granted him a certificate stating him to have been in his employment for six months, although Huxley, at the date of this document, had been with him for *three weeks* only.

By Huxley's testimony, it also appeared that Mr. Bryan had permitted him to roam about the country as his agent in the purchase and sale of cattle; the natural consequence of which had been, as has been proved, the purchase of stolen cattle.

From the statements and depositions in the case of Samuel Arnold (in the service of Mr. Bryan), under sentence of death for cattle-stealing, it was evident that Mr. Bryan had pursued a system which had not only given facility to his servants to commit depredations upon the whole neighbourhood, but had tended to protect them from discovery.

Samuel Arnold, whilst in the service of Mr. Bryan, had amassed a large herd of cattle, which had been allowed to run upon Mr. Bryan's land, and he had not only permitted Arnold to keep his cattle on his land, but had from time to time purchased meat of him, without any inquiry as to the mode in which he had become possessed of such property; and upon one occasion he had employed Arnold and three of his other servants to get in cattle, allowing Arnold *half of all he should so bring in*.

It also appeared, that it had long been Mr. Bryan's practice not only to allow his prisoner servants to have cattle (under various brands) upon his land, in opposition to the Government regulations, but to permit them to traffic, and frequently to be a party in their dealings, as was proved by a document found in the Bush, and forwarded to the Police Magistrate, purporting to be an agreement between Mr. Bryan and Joseph Renton and Joseph Fenny, two of his assigned servants. Mr. Bryan therein clearly made an agreement with these two men in direct opposition to the Government regulations and his duty as a magistrate. Ned King, another of Mr. Bryan's assigned servants, was the witness to this agreement.

There was also found with the above, in the hand-writing of Mr. Bryan, directions addressed to his nephew, Mr. R. Bryan, containing intrinsic evidence that there was yet something highly improper which is not yet brought to light.

There appears to be an intelligence between Mr. Bryan and his nephew, in the turning into the Bush of Arnold's cattle, which the bare direction in the paper would not warrant. In fact, it was impossible to conceive what circumstances could induce a gentleman, if acting uprightly, to have penned so suspicious a document.

Read a letter, dated 7 November, by Mr. Bryan to the Colonial Secretary, stating that he could not with propriety allow his name to remain on the roll of Justices with Mr. Lyttleton's, and therefore tendering his resignation.

Read an advertisement by Mr. Bryan in the "Launceston Independent" of the 9th November 1833.

The Council were unanimously of opinion, that, under the circumstances contained in the several depositions, and set forth by the Crown Solicitor, coupled with Mr. Bryan's reprehensible conduct towards the Police Magistrate at Launceston, his resignation as a Justice of the Peace, which he had tendered, should be refused, and that his name should be erased from the Commission of the Peace.

The Council also strongly recommended that Mr. Bryan's assigned servants should be withdrawn; a circumstance which has been inadvertently omitted in this Minute.

(signed) Adam Turnbull.

(Enclosure, No. 2.)

COPY of a LETTER from H. Ross, Esq. to his Excellency the Lieutenant-Governor.

Sir,

Hobart Town, 27th November 1833.

Letter from
H. Ross, Esq. to
Lieut.-Governor.

IN obedience to your Excellency's commands I have perused the accompanying papers relating to Mr. William Bryan, but upon the most careful inspection I cannot perceive any act upon which legal proceedings could be instituted, as by such papers no distinct charge amounting to a legal offence appears to be made out.

At the same time I feel it my duty to observe, that these documents do contain matter so extraordinary on the part of Mr. Bryan, so utterly at variance with that gentleman's line of duty as a magistrate, and so truly reprehensible in every sense, that only one opinion, I submit, can be formed upon their perusal.

I have endeavoured to arrange such papers, and extract from them the several matters to which they refer, so as to place before your Excellency the principal features of the several cases contained therein; but there are so many strange and unaccountable matters, that it is almost impossible to bring forward the whole of them.

The first packet of papers, marked No. 1, are the proceedings in an information against Mr. Bryan, for harbouring a convict named Huxley; and although that case was dismissed as to the harbouring, yet it is clear from the evidence that Mr. Bryan, so far from taking reasonable precaution to prevent his being imposed upon, has, if the statement of Huxley is to be relied on, and I see no ground for discrediting his testimony, been guilty of a most flagrant breach of faith towards the community, it appearing that he gave the sanction of his name to an untruth in granting a certificate to Huxley, stating him to have been in his employ for six months, and certifying his conduct during that period, when it is equally clear

clear he had been with him for three weeks only. A document of this kind from the hands of a magistrate, calculated as it must be to induce a false confidence in a determined bad character, and having the effect of a protection to him against that law which Mr. Bryan was doubly bound to support, requires no comment.

Letter from
H. Ross, Esq. to
Lieut. Governor.

In other respects also this case shows that Mr. Bryan has, to say the least, acted with the most culpable neglect in the management of his assigned servants; he has, by this man Huxley's statement, permitted him to roam at large about the country, acting as his agent in the purchase and sale of cattle, not only placing him in a situation where temptation might overcome his honesty, but himself adding to that temptation by allowing him a profit out of those transactions. The natural consequence of such liberty was in all likelihood the purchase of stolen cattle, as it will be seen that amongst others there was a purchase of cattle from a man named Handford, convicted of cattle-stealing at the late Launceston sessions, but which cattle are not now forthcoming, they having been turned loose by Huxley upon inquiry being made.

The packet marked No. 2, appears to be the informations of Mr. Reid, Mr. Paton, Mr. John Vann, and Mr. Henry Boyle, taken upon several charges of cattle-stealing against a man named Samuel Arnold (lately holding a ticket of leave and in the service of Mr. William Bryan), of which offence Arnold was also convicted at the late sessions of the the Supreme Court at Launceston. These several documents prove the loss of cattle which have been afterwards found branded over the old brand and traced to the possession of Arnold.

These depositions are accompanied by a voluntary statement of Arnold before his apprehension, and from which it appears that a system has been followed by Mr. Bryan which has not only given facility to his servants to commit depredations upon the whole neighbourhood, but has operated considerably in protecting them from discovery; by that statement it appears that Samuel Arnold, whilst in Mr. Bryan's service, amassed a large herd of cattle, which have been allowed to run upon the land of Mr. Bryan, and that he (Mr. Bryan) had not only permitted Arnold to keep his cattle on his land, but had from time to time purchased meat of him; but it does not seem that at any time he made any inquiry whatever as to the mode by which he became possessed of such property.

By that statement it also appears that some time since Mr. Bryan employed Arnold and three of his other servants to get in cattle, he allowing Arnold half of what he should so bring in. This is in part corroborated by Mr. Reid's information, who states that several of his unbranded cattle were taken away, and afterwards (within three or four days) seen in Mr. Bryan's yard, with his brand; nor has he been enabled to obtain his cattle or any account of them, although he has repeatedly applied to Mr. Bryan upon the subject, since their loss in December 1831. Arnold has also stated that it was the custom of Mr. Bryan to brand all the cattle brought in, until complaints were made upon the subject. Arnold had, according to his own statement, cattle running on Mr. Bryan's land under five different brands; a contrivance undoubtedly to enable him with greater facility to alter the brands of the surrounding settlers. Such permission, so given by Mr. Bryan, has in all probability led Arnold to the commission of the offence for which his life is now forfeited. That statement, the deposition of James Cavanagh, who was formerly, and John Bates and Henry Scard who are now, assigned servants to Mr. Bryan, all agree that it has been his (Mr. Bryan's) practice, not only to allow his prisoner servants to have cattle under various brands on his land, in opposition to the Government regulations, but he appears also to have allowed their dealings, and frequently to have been a party thereto.

No. 3 is the case of a man who, although the assigned servant of Mr. Bryan, has been enabled for the last three years, by his permission, to evade all control, to pass himself as a freeman, and commit several frauds on the public.

The next in order, No. 4, is a document in the handwriting of Mr. Bryan, which the evidence of Henry Scard clearly shows must have been intended for his nephew and overseer, Mr. Robert Bryan, and which document is not only confirmatory of all the facts before stated, but is pregnant with the strongest suspicion.

This document was found in the Bush and forwarded to the police magistrate; it is accompanied by the agreement therein alluded to with Joseph Renton and Joseph Fenny, two of Mr. Bryan's assigned servants, and should any doubt have existed as to the misrule in his establishment, it is fully confirmed by this paper. Mr. Bryan clearly makes an agreement with two of his assigned servants in direct opposition to the rules of the Governments, which rules, as a magistrate, it was his duty to enforce. *Ned King*, who in that agreement is directed to be taken to the house of Mr. Robert Bryan, is the witness thereto, and also an assigned servant to Mr. Bryan. Scard's testimony shows that the instructions to Mr. Robert Bryan have been acted upon, as it appears that he (Scard) was ordered to go out to assist in collecting cattle in one of Mr. Bryan's paddocks with Mr. R. Bryan. Of the cattle there found belonging to other persons, which it appears were numerous, some were turned loose and others sent to the pound. Some of *Arnold's* cattle were there, but they were turned out. At this time Mr. Bryan was fully aware of Arnold's conviction. The further directions contained in this paper are too strange to be passed over without feeling the strongest apprehension that there is yet something highly improper which is not yet brought to light. There appears to be an intelligence between Mr. Bryan and his nephew in the dismissal of Arnold's cattle, which the bare direction in the paper would not warrant. In fact, I am at a loss to conceive that circumstances could induce a gentleman, whilst acting uprightly, to have penned so suspicious a document.

The conduct of Mr. Bryan towards the police magistrate at Launceston is, in my humble opinion,

Letter from
H. Ross, Esq. to
Lieut.-Governor.

opinion, deserving of the most marked reprehension. Mr. Lyttleton has for a long time been struggling under circumstances of no ordinary difficulty to put an end to the nefarious practices of a set of the most unprincipled men living; he was entitled to look for aid at the hand of every of his brother magistrates; but in the case of Mr. Bryan he has not only met with powerful opposition, such as without his perseverance would have set him and the laws openly at defiance, but he has been subjected to every species of personal abuse, public and private, and has been threatened and defamed because he has done his duty, whilst Mr. Bryan would endeavour to hold himself up to public view as an injured and persecuted man.

I have, &c.

(signed) *H. Ross.*

(Enclosure, No. 3.)

EXTRACT from the STATEMENT given on oath by *Joseph Huxley*, a runaway Convict in the employment of *William Bryan*, Esq., before a Bench of Magistrates, on the 21st day of June 1833, and in the presence of Mr. *Bryan*.

Statement of
Joseph Huxley.

I HAVE bought some cattle for myself and Mr. Bryan too. I bought a few head of cattle, and Mr. Bryan took them. I told Mr. Bryan I had seen the cattle; he told me, if I thought they were worth the money I might take them. I bought them for Mr. Bryan. If I got more money than Mr. Bryan put on the cattle, I was allowed the surplus; if less, I got also an allowance; I did not part with them unless I got something for myself; if I got the price Mr. Bryan put on them I was allowed something.

I made an exchange with a man named Handford for some cattle for Mr. Bryan. I was to have seven head of cattle and 23*l.* in exchange for a mare; this transaction took place about a fortnight ago.

Mr. Bryan authorized me to sell or exchange a chestnut mare, and I made a bargain with Thomas Handford for seven head of cattle and 23*l.* for the mare. Thomas Handford is a man who I understand rents Mr. Gunn's farm.

I was on the premises and in the neighbourhood of Handford for several days together collecting the cattle. Arnold, Mr. Bryan's servant, was with me.

This extract a true copy of the original.

(signed) *W. Lyttleton.*

Thomas Handford was convicted of cattle-stealing before the sittings of the late Supreme Court held at Launceston. The cattle alluded to are now claimed as the property of Mr. Gunn. The note of hand for 23*l.* was returned by me to Mr. William Bryan.

31st October 1833.

(signed) *W. Lyttleton.*

(Copy.)

Island of Van Diemen's Land, to wit.

Statement of
Samuel Arnold.

THE Statement of *Samuel Arnold*, who deposeth as follows:—I am a prisoner holding a ticket of leave, and in the employ of Mr. William Bryan, of Carrick. I was formerly assigned to him. Last Thursday, the 10th October instant, I sold to Joseph Moore, butcher in Launceston, four cows, a steer and a young calf; they were my own property, and I was to receive 11*l.* for the lot. The steer was a brown colour, brand J. B., with the mark of an old brand between, on the near side; this was one of my own breeding; it was formerly branded with a small S. I bred it out of a cow which I got with some others about nine years ago from Mr. Samuel Bryan, to whom I was then assigned. He gave me two calves and two cows for milking the cows, besides ploughing. One of the four cows sold to Moore was a four-year-old cow, black with a white back; it was branded at first J. K. I borrowed that brand from James Cavannah. Some time after this I branded an R. over the J., leaving the K. as it was. About six weeks ago I was going to brand it J. B., as I intended to brand all my cattle in that manner, having understood that being a prisoner I was not allowed to keep cattle, and thus to enable a free man to claim them, viz. James Broomhall, who lives near Westbury. I obtained this cow from Mr. William Bryan (I do not know whether I was assigned to him then or to Mr. Samuel Bryan, but it was to one, and they were both my masters) about four years ago; it was then a calf, and I bought it with its mother of Mr. William Bryan, who had bought it out of Michael White's pound, which was on Mr. William Bryan's land. Mr. Bryan acted as auctioneer; both cow and calf had been impounded off Mr. William Bryan's land. The cow and calf were knocked down to Mr. Wm. Bryan's bidding of 2*l.* After this Mr. Bryan said he did not like to keep them, and asked me if I would take them for what he had given (2*l.*); I agreed to do so. At this time I had no ticket of leave, but was assigned to the Mr. Bryans. I received the 2*l.* in this manner; Mr. William Bryan stopped it from an account of mine of meat supplied to him from cattle which I had killed belonging to myself; it was a fat cow that I had given me by Mr. Samuel Bryan. In branding it J. B. it got loose, and the B. only marked the top of the K., thus, R.; the J. did not make any mark to be seen. Two of the remaining cows were my own breeding, and the third was one which Mr. William Bryan gave to his Government man (John Bates), and I paid him 3*l.* 10*s.* for it. It was branded on the near rump ^{W. B.} J. B.; it was a brindle cow. The two other cows were branded J. B. only. I am now employed

LIEUTENANT GOVERNOR OF VAN DIEMEN'S LAND.

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employed by Mr. William Bryan as stock-keeper at 10s. per week, having the run of my cattle on his ground; this is not in the agreement, but I take it into consideration, and think it as well to stop there on that account at 10s. as anywhere else at 1l. The cow branded J. B. had a piece out of the near ear, what is called swallow-eared. One of the cows branded J. B. only had a piece cut out of the right ear in the same manner as the former. Last summer I was employed by Mr. William Bryan getting in cattle on the west bank of the Tamar from Mr. Barns to the back of the Supply Mills. The agreement I now have with Mr. Bryan is, that I am to have half of what cattle I get in. There were four of us employed last summer with horses getting in cattle. I have about 70 head of cattle belonging to myself to the westward. This skin produced is the skin of the beast marked originally J. K. and which I converted into R. R. by putting a circle on the top of the K. and an R. over the J.

(signed) Samuel Arnold.

The horse I am at present possessed of I bought of Mr. Bryan when I was a prisoner, and paid him cattle for it. The reason that some of my cattle are newly branded is, that I had no opportunity of branding them when I was in the chain gang. When I was in the chain gang my cattle continued running on Mr. Bryan's land; he allowed me to run them there before I went to the chain gang. My cattle are branded some with an S., some S. A., some S. R., some J. B. and one J. K. Mr. Bryan used to brand all the cattle he caught on the Long Swamp until there was a row about it. The cattle were not inspected when killed. Mr. Bryan had the meat. I had 68 head of cattle when I went into the chain gang.

(signed) Samuel Arnold.

Samuel Arnold further states, That the overseer to Mr. Bryan, named Thomas Marshall, was present when he delivered the cattle to Mr. Bryan for a horse, and that most of them were branded with Mr. Bryan's brand in the presence of Mr. Bryan. There were six bullocks, two two-year-old steers, one cow, one calf and a bull. He came out of the chain gang last November, and received a ticket of leave about three months ago.

(signed) Samuel Arnold.

Taken before me, 17th October 1833.

(signed) W. Lyttleton.

The above is a true copy of the original deposition forwarded by post on the 31st October last; it is the voluntary statement of Samuel Arnold, and taken before any of the cattle for which he was committed were claimed by the parties to whom they belonged.

4th November 1833.

(signed) W. Lyttleton, P. M.

Glenore, 29th August 1833.

I agree to let Joseph Renton and Joseph Fenny the old stubble paddock of Glenore, together with the broken-up part of the pound paddock for four crops from this date; they yielding and paying to me either at Glenore or at Carrick, as I may desire, four bushels marketable wheat for each and every acre cultivated by them; they yielding up possession of the same on the first day of March 1837.

I engage to supply them with six bullocks and two steers, one plough, one harrow, bows, yokes and chains, also a dray or cart on loan when they require it; they to remove neither hay or straw off the land; they supply me with what straw I may require at Glenore. Promise to employ Edward King assisting to cultivate the land, or another man in his place on his leaving my service. I engage to supply them with meat at four-pence per pound, seed corn for this crop, which they return in equal quantity out of the ensuing crop; also meal on the same terms. The bullocks used by them to run on the paddocks about the house. At surrender of the land, the bullocks, yokes and chains, plough, harrow, are to be returned in as good condition as when received. The above-named rent to be payable on or before the first day of May in each year.

I agree to the several articles contained in this agreement. Witness my hand, (date as above.)

(signed) W. Bryan.

Witness, William Payne.

Get from Renton his agreement—take Ned King to your house—send Fenny here—take Scarrell with you to examine every beast on my land. Arnold has been offered his life and liberty if he will or can hang or destroy any of my people. I shall hold you responsible for any opportunity you give L—— or his abettors of injuring my people; be on your horse constantly; rewards have been offered to implicate you. Arnold's conduct has given the Government an opportunity of seizing all the property of ticket-of-leave men and prisoners for sale.

(A true Copy.)

(signed) C. Lonsdale, 21st Fusileers.

—2.—

COPY of DESPATCH from *George Arthur*, Esq. to the Right Honourable
E. G. Stanley, &c. &c. &c.

Van Diemen's Land, Government House,
October 24, 1834.

SIR,

Despatch from
Lieut.-Governor
to the Right hon.
E. G. Stanley,
dated Oct. 24, 1834.

I had the honour, on the 1st of December last, to draw your attention to some of the circumstances under which, after much careful deliberation, it had been considered the imperative duty of the local Government to withdraw Mr. Bryan's assigned servants, and to erase his name from the commission of the peace; and on the 4th of March I transmitted, under cover to Mr. Hay, a communication addressed to you by that individual, on the subject of the injuries which he alleges to have been inflicted upon him.

2. Mr. Bryan has recently left the Colony for the purpose, as he has stated, of returning to England in order the more certainly to insure the intervention of his friends.

3. Before embarking, he intimated to this Government his intention of furnishing it with a copy of the statement he had already forwarded to England; but this he has not done, and therefore I should not again have addressed you in reference to his case, had I not thought you might be desirous, under existing circumstances, of receiving a more detailed report, in further explanation of the incidents related in the communication of Mr. Crown Solicitor Ross, which formed one of the enclosures in my former despatch.

4. On the 12th of October 1833, the Inspector of Stock at Launceston informed the Police Magistrate at that station that a small herd of cattle had just been brought into town, branded in such a manner as to excite the suspicion that they had been stolen.

5. Mr. Lyttleton accordingly caused an immediate investigation to be made, and the cattle were ascertained to be in the possession of Samuel Arnold (a convict holding a ticket of leave, employed by Mr. William Bryan, and formerly his assigned servant), who was instantly apprehended. So soon as the circumstances became known in the neighbourhood, the Chief District Constable of Norfolk Plains proceeded to Launceston, accompanied by several settlers, who having at different periods lost cattle in the vicinity of Mr. Bryan's farm, identified those brought in by Arnold as their own property.

6. The preliminary examinations on oath usual in such cases were then taken, and Samuel Arnold was forthwith committed by Mr. Lyttleton to take his trial before the Supreme Court, under three separate informations.

7. Another result of the same inquiry was the discovery that this man, when still an assigned servant of Mr. Bryan, had (as well as two other felons, named Bales and Cavanagh) received cattle at different times from his master, in exchange for other property, and had been allowed by him to depasture them on his estate.

8. But perhaps the most nefarious part of the whole was a contract to which Mr. Bryan and Arnold were parties, in which the former, a magistrate, under cover of having wild cattle in the woods, agreed to give the latter, a convict, the half of all the cattle he could collect and drive to his (Mr. Bryan's) stock-yard!

9. Arnold, under this commission, had swept away, it might almost be said, whole herds belonging, not to his master, but to other proprietors. Mr. Bryan was again and again, it appears, remonstrated with; several of the settlers had even ascertained that *he* had branded cattle belonging to them, but as this was said to have been done in mistake (which is sometimes inevitable), no criminal charge, so adroitly were matters managed by these marauders, could be brought home to any of them.

10. Samuel Arnold was eventually arraigned at Launceston before the Supreme Court, on the first of the informations taken by Mr. Lyttleton, and was sentenced to be hanged.

11. During the trial the presiding Judge, Mr. Montagu, noticed in open Court, with a view to further criminal inquiry, the suspicious circumstances brought out in the evidence, so seriously reflecting upon Mr. Bryan, who, as he stated, appeared to him to have been an accessory in the crime for which Arnold was then standing his trial, and to have habitually conducted his establishment in so dis-
creditable

creditable a manner, as at least to render the withdrawing of his convict servants expedient; for which purpose, he should certainly bring the circumstances under the attention of the executive Government.

Despatch from
Lieut.-Governor
to the Right hon.
E. G. Stanley,
dated Oct. 24, 1834.

12. Mr. Lyttleton afterwards waited upon the Puisné Judge, and exhibited to him the depositions relating to the other informations; these Mr. Montagu requested him to transmit to the chief Police Magistrate, in order that they also might be submitted for consideration.

13. A few days subsequent to the trial, Lieutenant Lonsdale, of the 21st Fusiliers, then commanding a detachment in the neighbourhood, on riding through Mr. Bryan's farm, found in the paddock in which Arnold's cattle had been secured, under Mr. Lyttleton's instructions, preparatory to their being sold on behalf of the Crown, as the property of a convicted felon, the paper, of which the accompanying is a copy, in which it will be perceived Mr. Bryan desired his nephew, Mr. Robert Bryan, to take every precaution to defeat the efforts of the police to obtain further information, observing, "Rewards have been offered to implicate you;" and also, to get from Renton "his agreement;" a measure of precaution, it will presently be seen, intended more especially for his own protection.

No. 1.

14. Mr. Bryan, the nephew, had accordingly turned all the cattle of which he dreaded the inspection, into the woods; and had also requested Renton to give up the "agreement," under which Mr. Bryan had let part of his estate to Renton and another, as directed by his uncle; but Renton, who, as a ticket-of-leave man, was competent to be a lessee, and therefore not having anything to fear from its discovery, suspecting some sinister intention towards him on Mr. Bryan's part, deposited it for safe custody with the police magistrate of Norfolk Plains. And it will be perceived, upon a reference to the accompanying copy of this document, which is signed by Mr. Bryan, that Renton's co-lessee was a person of the name of Fenny; this man (a felon under sentence of transportation for fourteen years) was then actually one of Mr. Bryan's assigned servants; and his object in endeavouring to recover possession of the document was evidently the concealment of so flagrant a breach of the regulations.

No. 2.

15. While his agents were occupied upon his farm at Glenore in removing every thing which might lead to detection, or, to use Mr. Bryan's own language, "give L—— or his abettors an opportunity of injuring his people," he appears to have considered it to be his own province to paralyze, if possible, the exertions of the Police at head quarters, by brow-beating Mr. Lyttleton, and so distracting his attention from the duty he had to perform. He accordingly, in pursuance of this plan, employed to insult this magistrate, a young man of the name of Lewis, formerly a shopman in a store at Launceston.

Meaning
Mr. Lyttleton, the
Police Magistrate
at Launceston.

16. This individual was consequently a person of no consideration in the community, and he was at the time under sureties to keep the peace: nevertheless, Mr. Bryan did not hesitate to request him to convey a hostile message to Mr. Lyttleton, an old magistrate of the territory, and serving in a most important and responsible trust under the local government; and he accordingly accosted the police magistrate in the street, and afterwards at his office, requiring of him to state, whether he had ever, either publicly or privately, in connexion with Arnold's case, reflected upon Mr. Bryan's character; and upon Mr. Lyttleton refusing to give any explanation, or to meet Mr. Bryan, he intimated to him that he should be branded as a coward.

17. Mr. Lewis was then sent with a similar message to Lieutenant Foote, one of the jury upon Arnold's trial, but that officer also refused to meet Mr. Bryan.

18. On Mr. Lewis's return, the party, consisting of Mr. Bryan, Mr. Mann, Mr. Nowland, and Lieutenant Dutton, R. N., prepared the following documents, and transmitted them for insertion in the *Independent* newspaper:—

"WANTED from 10 to 20 emigrants as farm servants; none need apply without testimonials of character from the Mother Country. Personal application will be preferred, but if by letters (post paid), to the undersigned, at Glenore.

Launceston,
7th Nov. 1833.

(signed) "William Bryan."

"Sir,

"To the Editor of the *Independent* Newspaper.

"CERTAIN unfounded insinuations having been malignantly circulated against me during my absence at Hobart Town, and emanating, as I have reason to believe, from

Launceston,
7th Nov. 1833.

Despatch from
Lieut.-Governor
to the Right hon.
E. G. Stanley,
dated Oct. 24, 1834.

from a fellow magistrate, who declines affording me the satisfaction which, under such circumstances, is due from one gentleman to another, I could not, without degradation to myself, allow my name to continue with his upon the roll of justices of the peace for this colony; and having tendered to his Excellency the Lieutenant Governor my resignation as a magistrate, I feel it due to myself to publish this correct statement, to prevent the misconception arising from reports which invariably appear in times of espionage and slavery.

(signed) "Wm. Bryan."

From the first of these notices, it is quite evident Mr. Bryan even then anticipated that the Government would act in accordance with the sentiments of the Puisné Judge, and he had therefore advertised for free servants to replace the convicts then in his employment, whose removal, in accordance with Mr. Montagu's threatened recommendation, he probably looked forward to as inevitable.

19. Indeed, it will be seen from the terms, among others, of the Government Order of September 1826, of which the accompanying is a copy, and which concludes in these words:—"If hereafter it shall be ascertained that any settler makes payment to convict servants in live stock, or apports them land for their exclusive benefit, or suffers them to be employed in any other than his immediate service, every support and indulgence of the Crown will be withdrawn, and thenceforward withheld from the person who may be guilty of so direct a breach of the regulations now promulgated, and so gross a dereliction of the duty he owed to the community;" that, keeping in view the former practice of the Government on such occasions, though none at all approaching the present one in atrocity had ever occurred, and the various circumstances stated in the preceding remarks, in Mr. Ross's Report, and in the accompanying additional statement, transmitted for the information of the local Government, by Mr. Attorney-General Stephen, there was no alternative, there was but one course open for adoption; for it was remarkable that Mr. Bryan, as you will perceive on inspecting it, had not offended against one part only of the order, but against every part of it, and that not inadvertently, but systematically, as the following items evince:—

1st. It was in evidence at the Police-office, that the convicts in Mr. Bryan's establishment had been allowed by him to accumulate property, acquired either by theft, or by being allowed to labour for themselves, in either case evincing on Mr. Bryan's part a gross violation of the regulations.

2d. It was in evidence at the Police-office, that he had dealings with his servants in respect of this very property, thus encouraging a guilty knowledge of their acquisition of it.

3d. It was in evidence at the Police-office, that he had employed a convict, the man convicted of cattle-stealing, to drive in cattle on terms calculated to induce him to steal them.

4th. It was in evidence at the Police-office, and in the Supreme Court, that part of the cattle depastured on his land had been stolen.

5th. It was in evidence at the Police-office, and in the Supreme Court, that he had allowed no less than eight different brands to be used on his farm; thus encouraging cattle-stealing by favouring its concealment.

6th. It was proved under his own hand (*vide* the Agreement) that he had let part of his estate to J. Fenny, his own assigned servant, in gross violation of the regulations.

7th. It was proved under his own hand that he had engaged to employ Edward King, his convict servant, to assist Fenny and Renton, in direct violation of the regulations.

8th. It was in evidence at the Police-office, that he had sold a horse to Arnold, receiving from him cattle in exchange; and it is believed by the Attorney General that these had been stolen by a man of the name of Handford, who had had dealings with Arnold, and who was afterwards convicted.

9th. It was in evidence at the Police-office, that Mr. Bryan had driven into the woods, after Arnold's apprehension, the remainder of his cattle, as well as those of the other convicts.

10th. It was proved under the hand in which Mr. Bryan's correspondence was usually written, that immediately upon the detection of Arnold he desired to recover "Renton's Agreement," and directed the return to his establishment of Fenny, the lessee, and King, the assistant labourer; precautions which, it is evident,

Samuel Arnold.

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dent, he would not thus have abruptly taken, had he not been conscious of impropriety.

Despatch from
Lieut.-Governor
to the Right hon.
E. G. Stanley,
dated Oct. 24, 1834.

11th. I had before me the depositions in the case of a convict of notorious character, named Huxley, who had absconded from the chain gang at Launceston, and for harbouring whom an information was laid against Mr. Bryan; and although he escaped conviction, it was impossible to read the papers and compare them with his correspondence respecting Huxley, with the chief Police Magistrate, and not come to the conclusion that Mr. Bryan had harboured this man, knowing him to be a convict of very bad character, illegally at large.

This was the case which first carried conviction (for he had long been suspected) to the Police, that Mr. Bryan was a party to the nefarious transactions carrying on to the westward, and led to the easy belief of his having been an accomplice with Arnold.

20. It has been complained by Mr. Bryan's partisans, that he should have been called upon to explain his conduct before any measures were adopted against him; and the Attorney General has remarked, as you will perceive in his Report, that such a course would have rendered Mr. Bryan's exposure more complete; but, unfortunately, my error lay the other way; for although I had generally been in the habit of acting promptly upon the Report of the Judges, or of the Law Officers of the Crown, or of the Magistrates, when it came out strongly in evidence that any assignee had abused the confidence of the Government in the treatment of his convict servants, yet, on the present occasion, foreseeing the storm I should have to encounter from a person of Mr. Bryan's wealth and consequent influence in the Colony, it was not until after I had received the opinions of the Attorney General and Crown Solicitor, had obtained and carefully considered all the depositions in Arnold's and Huxley's cases, had before me Mr. Bryan's agreement with his convict servants for the lease of his land, had perused the self-condemnatory instruction which Mr. Bryan had sent to his nephew (and which the latter had carelessly dropped), in order to defeat the ends of justice, and had required Mr. Lyttleton, the committing magistrate, who resided at Launceston, to proceed to Hobart Town, and afford me, personally, a full statement of such facts as had come to his knowledge touching Mr. Bryan's dealings with his convict servants, that the subject was brought under consideration in the Executive Council, and the determination taken to revoke the assignment of all the convicts in the service of Mr. Bryan, and to erase his name from the commission of the peace.

21. There was an interval of one month after Mr. Justice Montagu had expressed in open court his intention of representing to Government Mr. Bryan's culpable conduct with respect to his convict servants; and although the information which I considered it proper to be in possession of before any proceedings were taken was collected as cautiously as possible, yet Mr. Bryan was not idle, and had taken many necessary precautions. His overseer, Rush, a free man of very bad character, had been got out of the way, and subsequently sent off to New South Wales; the cattle which might have subjected him to a criminal prosecution had been driven off the farm, and an advertisement inviting the examination of his flocks, then prepared for inspection (a most suspicious document), had been published; and thus Mr. Bryan was enabled to take strong ground, and, aided by the venal Press of this Colony, to assume the language of an injured man, whose fair fame had been unjustly impugned, and to express a hope that he would be protected against the Government in the design of wresting his servants from him.

22. No resistance was, however, made to the measure of removal, which was peaceably accomplished; but soon afterwards notices of actions were sent to the public officers more immediately connected with its execution; and in order as much as possible to prejudice the public mind, and to insure favourable verdicts, the Colonial Newspaper, of which Mr. Bryan had become a part proprietor, entered the lists for him, held him up as a martyr, proclaimed that his cause was the cause of all who had received assigned servants, insisted upon the opinion given some years ago by the Sydney Judges, who had stated that the Governor had no power to revoke assignments except for the purposes of remitting the sentences of the men so withdrawn, and that therefore he had been illegally deprived of property which was his own as indefeasibly as his estate and his flocks were.

23. The Crown Lawyers, therefore, observing the means employed to produce excitement, and aware that the inhabitants of Hobart Town, from among whom

Despatch from
Lieut.-Governor
to the Right hon.
E. G. Stanley,
dated Oct. 24, 1834.

it would have been chosen, were not, like those at Norfolk Plains, sufficiently acquainted with the mode in which Mr. Bryan's establishment had been conducted, to be prepared to resist their influence, resolved to oppose the application that the cases should be tried before a Jury, and the Judges acquiesced in the views argued for by the Attorney-General.

24. But the Chief Justice further incidentally expressed his opinion that the Act of Parliament *had* invested the Government with the power of revoking assignments; and Mr. Bryan's Counsel having thus discovered at the outset the mind of the Court, threw up his briefs, on the ground that a Jury had been refused; a point which afforded still further food for declamation; and Mr. Bryan's Counsel fanned the flame to the utmost, and called public meetings to petition for trial by jury, legislation by representation, and the removal of all restrictions upon grants of land, under cover of the excitement caused, by which Mr. Bryan sailed for Sydney, escaping with apparent éclat from the exposure and deep ignominy which must have followed the development that would have taken place had his actions ever actually been brought to trial.

25. But before his departure I caused it to be intimated to his friends, through the chief Police Magistrate, and to his law advisers, through the Attorney General, that as he had not continued his actions, by which means alone a full elucidation of his defence could have been obtained, I was willing to receive any statement that could be brought forward in his favour, and to go into any investigation: this offer was, however, as perhaps might have been anticipated, declined.

26. As this question has been made, through the address of Mr. William Bryan's partisans, a political question, or, at least, has been sedulously involved in considerations of this description, in order that the public attention might, as much as possible, be divested from the wickedness of Mr. Bryan's conduct, it may be proper I should add, that it is unfortunate for the latter and his new friends, that previous to his malversation he was always considered as a supporter of the Government, and as a most desirable settler, whose presence in a very remote district could not fail to be attended by the very best consequences, especially in preventing the resorting thither of disorderly characters; and his name was accordingly included in the commission of the peace, while his applications for land were most liberally considered, as is indeed evinced by the extent of his present possessions, enumerated in the explanatory Memorandum, of which the enclosed is a copy.

As Mr. Bryan has not furnished the Government with any statement of his grievances, I have enlarged upon every point that has occurred to me, in order that His Majesty's Government may be in full possession of the facts of the case; not that I anticipate any thing I can say will prove to be answers to Mr. Bryan's statements, which have been, as I am given to understand, concocted by a clique of the most unprincipled men in Van Diemen's Land, and will, no doubt, contain the basest insinuations, couched in the most specious terms. All the main points that I have submitted, you will find strongly set forth in the accompanying Report of the Attorney General; and, I might add, several other circumstances also, of a most discreditable character, as for instance, the insulting conduct pursued to Mr. Justice Montagu and Mr. Lyttleton in the public streets; but these it may not be necessary to press upon your attention at present, though it may be proper that I should state before concluding, as I have adverted to the public meetings, called in reference to the extension of trial by jury, legislation by representation, and the tenures under which lands are held, that the former of them led to a correspondence with a deputation which I shall have the honour to submit at an early period, and that I have not received any address or other communication from the two latter.

The truth is, the excitement occasioned by the clamour of the Press, and by the refusal of the Supreme Court to allow Mr. Bryan's actions to be tried before juries, soon subsided, and the more respectable individuals, who, ignorant of the circumstances, had been led away for the moment, I have no doubt, have since regretted the attempt to embarrass the Government in a question, in connexion with which it obviously could not have any other object than the public good.

I have, &c.

(signed)

George Arthur.

(Enclosure,

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(Enclosure, No 1.)

COPY of INSTRUCTIONS given by Mr. *William Bryan* to his Nephew, Mr. *Robert Bryan*.

GET from Renton his agreement—take Ned King to your house—send Fenny here—take Scard with you to examine every beast on my land. Arnold has been offered his life and liberty if he will, or can, hang or destroy any of my people. I shall hold you responsible for every opportunity you give L—— or his abettors of injuring my people; be on your horse constantly; rewards have been offered to implicate you. Arnold's conduct has given the Governor an opportunity of seizing all the property of ticket-of-leave men and prisoners, for sale.

Instructions given
by Mr. W. Bryan to
Mr. R. Bryan.

(Enclosure, No. 2.)

RENTON'S AGREEMENT.

Glenore, 29th August 1833.

I AGREE to let Joseph Renton and Joseph Fenny the old stubble paddock of Glenore, together with the broken-up part of the pound paddock, for four crops from this date; they yielding and paying to me, either at Glenore or at Carrick, as I may desire, four bushels marketable wheat for each and every acre cultivated by them; they yielding up possession of the same on the first March 1837.

Renton's Agree-
ment.

I engage to supply them with six bullocks and two steers, one plough, one harrow, bows, yokes and chains, also a dray or cart on loan when they require it; they to remove neither hay or straw off the land; they supply me with what straw I may require at Glenore. I promise to employ Edward King, assisting to cultivate the land, or another man in his place on his leaving my service. I engage to supply them with meat at four-pence per pound; seed corn for this crop, which they return in equal quantity out of the ensuing crop; also meal on the same terms. The bullocks used by them to run on the paddocks about the house. At surrender of the land, the bullocks, yokes and chains, plough, harrow, are to be returned in as good condition as when received. The above-named rent to be payable on or before the first day of May in each year.

I agree to the several articles contained in the agreement. Witness my hand, (dated as above.)

(signed) *W. Bryan.*Witness, *William Page.*

(Enclosure, No. 3.)

COPY of GOVERNMENT ORDER of the 30th September 1826, relative to Convict Discipline.

GOVERNMENT NOTICE.

Colonial Secretary's Office, 30th September 1826.

VARIOUS intimations having at different periods been given of the sentiments of the Colonial Government, relative to the improper treatment, employment and payment of convict servants by settlers, without producing the desired effect, it becomes the duty of the Lieutenant-Governor to notify, that the irregularities adverted to have at length occasioned, through the Right hon. the Secretary of State for the Colonies, the expression of His Majesty's displeasure; in order, therefore, that these objectionable points may be clearly understood and more rigidly prohibited for the future, they are recapitulated for public information. 1st. It is usual to pay convicts for their labour in cattle or sheep; this mode of remuneration is highly improper, as affording the means of secreting stolen stock, and also for enabling settlers to occupy their land with property not their own, and to subsist on that species of profit commonly termed "the thirds," arising from the depasturage of animals belonging to prisoners. The Earl Bathurst has explicitly declared, that this method of acquiring capital will not be admitted as a fulfilment in any degree of the terms on which land has been uniformly located, much less will it entitle individuals to an extension of their original grants. It should never be lost sight of, that an expenditure of imported capital in the improvement of the soil, is the leading stipulation which accompanies its gift; and that where, at the expiration of the prescribed period, a neglect of this condition shall be apparent, the possession of cattle or sheep in any number, or of any value, will not be considered sufficient, and the land will be subject to resumption by the Government.

Government Order
of 30 Sept. 1826.

2d. It is the practice of some settlers to apportion small allotments on their farms to be cultivated by their assigned servants, for the exclusive advantage of the latter; this also being pregnant with mischief, equally merits reprehension.

3d. Prisoners are occasionally permitted to work for themselves as a reward for good behaviour, or extra exertion, and frequently at a distance from the dwellings of their masters. A little reflection will show the evils likely to result from this indiscreet indulgence, and render further observation unnecessary.

By the strict investigation which the cases of the wretched criminals who so lately paid the forfeit of their lives underwent in Council, the attention of the Lieutenant-Governor to these abuses has been most particularly and painfully excited. The flagitious proceedings of several of these men were clearly traced to have had their source in the weakness or improper treatment of their employers, whose ill-judged neglect of discipline, or corrupt

toleration

Government Order
of 30 Sept. 1826.

toleration of irregularity, had contributed to entail consequences so awful on those victims to offended justice. To the conduct of masters of this description a vigilant scrutiny will in future be applied, in which the Magistrates are strictly and earnestly enjoined to assist the Government.

If, hereafter, it shall be ascertained that any settler makes payment to convict servants in live stock, or apportions to them land for their exclusive benefit, or suffers them to be employed in any other than his immediate service, every support and indulgence of the Crown will be withdrawn, and thenceforward withheld from the person who may be guilty of so direct a breach of the regulations now promulgated, and so gross a dereliction of the duty he owes to the community.

By Command of His Excellency.

(signed) *W. H. Hamilton.*

(Enclosure, No. 4.)

EXTRACT from the MINUTES of the EXECUTIVE COUNCIL on the 6th day of March 1834.

Present:—His Excellency the Lieutenant Governor.

His Honour the Chief Justice.

The Senior Officer of His Majesty's Land Forces.

The Junior Chaplain.

John Gregory, Esq.

THE following Memorandum was then read:—

6th March 1834.—With reference to the opinion of the Executive Council in the case of Mr. William Bryan, as contained in the Minutes of the Executive Council of the 27th November last, and to the circumstance that it does not appear from their perusal, that the Members recommended the withdrawing of Mr. Bryan's assigned servants, but only the erasure of his name from the Commission of the Peace, the undersigned, who then acted as Clerk of the Council, has the honour to state, for the information of the Lieutenant Governor, that he perfectly recollects that the Members were strongly of opinion that Mr. Bryan's assigned servants should be withdrawn, and Mr. Bedford suggested that ticket-of-leave men also should be required (as the care of their morals was equally incumbent upon the Government) not to engage themselves in the service of that individual. During the latter part of the deliberation, the attention of the Members was directed to the removal of Mr. Bryan's name from the Commission of the Peace.

As an evidence of the correctness of the recollection of the undersigned in relation to this omission, (which he very much regrets), he would respectfully direct his Excellency's attention to the accompanying Minute, dated the 28th November, and drawn up the day after the meeting of the Council, in the hand-writing of Mr. Mitchell, the writer to the Clerk of the Councils.

(signed) *Adam Turnbull.*

The following Minute, referred to in the above Memorandum, was then read:—

28th November 1833.—Inform the chief Police Magistrate with respect to his communication of the 8th November, and its enclosures, in reference to the case of Samuel Arnold, and the conduct of Mr. Bryan, his master, that I have carefully considered all the circumstances brought out in the depositions transmitted by the Police Magistrate of Launceston.

Request him to intimate to Mr. Lyttleton my high approbation of the impartial and independent course which he pursued, in bringing all the facts connected with the case of Arnold, and the conduct of Mr. Bryan, to light, and that his dignified forbearance, when assailed by the latter individual, both in private and in the public Press, has also afforded me unqualified pleasure; and that I have, in order to mark the extreme disapprobation entertained by the Government of Mr. Bryan's conduct, directed, with the advice of the Executive Council, his name to be erased from the Commission of the Peace, and the withdrawal of his assigned servants.

Intimate to Mr. Bryan, that, under the circumstances in which his resignation as a Justice of the Peace of the territory, of the 7th instant, was tendered, and under the facts elicited in the several depositions made relative to the case of Samuel Arnold, and taken in the Police-office at Launceston, and from his own memorandum of the 29th of August, in connexion with his advertisement in the public papers, and his most improper conduct towards Mr. Lyttleton, I am under the painful necessity, with the advice of the Executive Council, of refusing his resignation, and of directing his name to be erased from the Commission of the Peace, and of desiring you to notify to him that His Majesty has no further occasion for his services as a Magistrate.

Add, that it has also appeared indispensable to the Government that his assigned servants should be withdrawn.

Notify to the Assignment Board, that all Mr. Bryan's assigned servants are to be withdrawn, and that no further assignments are to be made in his favour.

(signed) *G. A.*

(Enclosure,

Extract from
Minutes of Execu-
tive Council,
March 6, 1834.

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(Enclosure, No. 5.)

EXTRACT from the REPORT of the COMMISSIONERS for TITLES.

WILLIAM BRYAN claimed a grant for one thousand acres of land, selected in the parish of Adelphi, Van Diemen's Land. (See Gazette 19th July, 1834.)

The Commissioners finding considerable difficulty in discovering the authority under which Mr. Bryan claims the land, referred to Report No. 856 of the Land Board, and found indorsed thereon the following Memorandum of the Lieutenant Governor:—

I think the Surveyor General must have lost sight of Mr. Bryan's case. He first received a grant of 1,000 acres. In March 1825 he received an order for 500 acres additional. In November 1825, 500 acres more, and towards the end of November 1828, 1,000 acres additional. This clears up the difficulty which seems to have presented itself to the Land Board. With reference to the recommendation of this gentleman by the Secretary of State, and to what I have seen of his improvements, I approve of 1,000 acres in extension being granted to him.

3 November 1831.

(signed) G. A.

Extract from
Report of Com-
missioners for
Titles.

(Enclosure, No. 6.)

REPORT made by the ATTORNEY GENERAL relative to the Conduct of
Mr. William Bryan.

Sir,

Davey-street, 15th September 1834.

With reference to my letter to your Excellency, No. 191, and to the Colonial Secretary, 295, and to your letter to me of the 23d June last, respecting the actions brought by Mr. W. Bryan against the police magistrate and chief district constable of Norfolk Plains, I am now able to report to your Excellency that those actions may be considered at an end; the plaintiff's attorney not only having given notice of his intention to proceed no farther in them, but having during the last week permitted them to be discontinued, under the usual order in such cases. In communicating this circumstance, I take the opportunity, being the first which other pressing matter has afforded me, of reporting upon the facts of the case, as I collect from the papers herewith returned to you.

Report of Attorney
General relative to
Mr. W. Bryan.

This report will, I trust, be satisfactory, equally to the Home Government as to your Excellency; for it will have to speak of no act of mine, or for which I am responsible, or with which I have been in any way connected. The removal of Mr. Bryan's servants was directed before I entered upon the duties of my office, and the circumstances which gave rise to that direction occurred before my arrival in the colony. I am not, nor ever was, acquainted with Mr. Bryan, nor do I believe that I ever heard of him until after the bringing of his actions. The circumstances of the case I never heard, until I heard them officially; and in forming my opinion upon them, I have been influenced neither by prejudice nor partiality.

2. It may be proper to advert, in the first instance, to two points in Mr. Bryan's case, upon which I know that much has been said by his friends and professional advisers. The one is, that the servants were removed in his absence, and with all their clothing, which they maintain was at all events his own property. As to this I cannot find that any officer of the Government was aware of such absence, nor do I see that the circumstance entailed any additional inconvenience on Mr. Bryan. It is distinctly shown by what passed on Mr. Hortle's arrival at Mr. Bryan's, that, although absent, he had been aware of the intended measure of removal. The servants were all in readiness for departure, and Mr. Bryan's nephew, who usually had charge of the property, was present in evident anticipation of Mr. Hortle's errand. The clothes taken were merely those which the servants had on. Mr. Bryan (the nephew) made no objection or remark on this subject; he knew that the servants were going, and he saw in what clothes they were going; some of clothing; and he was asked by Mr. Hortle to examine them, but refused. After all this, it is too absurd to hear of Mr. Bryan complaining that these clothes were taken illegally. It is now unnecessary to consider whether they were so taken or not. Perhaps under ordinary circumstances, the governor has no right to remove convicts with their clothing, where such has been provided by the master. But it would be ridiculous to suppose, that in the present case such a deprivation could be relied upon as an injustice, whatever may be in strictness the legal right.

3. The other point which has been so much commented upon by Mr. Bryan and his friends is, that he was not *heard* before he was condemned. They allege that no explanation was ever demanded from him, and that had it been demanded, a satisfactory explanation could have been afforded. Upon this latter point I will only say that I can scarcely conceive a satisfactory explanation to have been possible. There are facts in the case, some of them sworn to by his own trusted servants by no means willing to betray him, and others of general notoriety in the colony, which no explanation whatever could excuse. It is for this very reason that I regret the fact of any decision having been arrived at, before Mr. Bryan had the opportunity given him of refutation or reply, the absence of which will perhaps now only benefit him and injure the Government. I am aware that Mr. Bryan's conduct with respect to Mr. Lyttleton presented little temptation for inquiry, and that nothing could have been more beneficial to Mr. Bryan than delay; but had he been subjected to that inquiry, his principal ground of complaint would never have had existence.

Report of Attorney
General relative to
Mr. W. Bryan.

What defence he may now have set up, consequently the Government does not know, and cannot therefore be prepared to refute.

4. It has been reiterated week after week by the infamous portion of the public Press, that the removal of Mr. Bryan's assigned servants was directly or indirectly occasioned by some political or private misunderstanding.

I feel it my duty to state upon my honour, that I have scrupulously inquired far and wide amongst Mr. Bryan's acquaintances, as well as others, into the grounds of this accusation, and that I have not been able to discover even to what supposed circumstance the accusation was intended to point. I have never heard yet upon what occurrence, real or pretended, such an imputation was meant to be founded. With this remark, I proceed to the circumstances which I have found established by the papers before me.

5. During the whole of the year 1833, and for some months previously, depredations of the most extensive nature were from time to time committed upon the herds of cattle running nearly wild in the neighbourhood of certain of Mr. Bryan's property. Drove of these animals, in numbers of five and ten, or more, at one time, belonging to different owners, continued to be for a series of months abstracted from their pastures; and though many persons suspected, none could prove what became of them. Many of these cattle were, however, ascertained to have been taken by convicts and others in Mr. Bryan's employ; and some were found on different occasions upon Mr. Bryan's property.

It appears that he had purchased a large herd of wild cattle; that he kept in his employ several persons to collect them; and that, under this pretence, these men caught and kept many, to which Mr. Bryan could not have preferred any claim. Still, no charge of a felonious nature was made against the parties; and such were the contrivances, that it would have been dangerous to have made one.

Reports, however, and suspicions, gained ground; and some of the injured parties at last openly complained. Amongst these individuals was a Mr. Birrell, a settler on the Tamar, who states himself to have lost nearly one hundred head of cattle by these practices. Another was a Mr. Reid, another settler on the Tamar; he distinctly traced some of his cattle to the possession of Mr. Bryan's servants, and upon making urgent remonstrances, was promised by him compensation. Another was Mr. Leith of Westbury. In addition to these, cattle were taken belonging to Mr. Dry, and Dr. Paton, to a person named Pitt, to another named Boyle, and to another named Venn. Complaints also of the same kind were said to have been made by Mr. Dyball and Mr. Foote.

6. I mention these names with the less hesitation, because with respect to some of the parties, the circumstances have been sworn to in the cases against Arnold and Handford; and with respect to the two last-mentioned gentlemen, Mr. Bryan threatened them with actions for slander, in which I am retained for them; and I possess Mr. Leith's and Mr. Reid's written statements, to the truth of which they state themselves ready to swear. I abstain from introducing other circumstances represented to me, the nature of which your Excellency is aware of, because they are not distinctly in proof before me; and I derive them solely from my professional employment as a private advocate.

7. In June 1833 an information was laid against Mr. Bryan before Mr. Lyttleton, for harbouring a runaway convict named Huxley. This man was of noted bad character, under sentence to a penal settlement, but had been in Mr. Bryan's employ for five or six months. During all this time he had passed as a free man under the name of Miller, and had been repeatedly employed by Mr. Bryan in sundry cattle transactions, the precise character of which I am really unable to trace. He was occasionally Mr. Bryan's agent in these matters, buying and selling and exchanging cattle. One of these transactions was with a brother convict named Handford, who sold Mr. Bryan six cattle, giving him a promissory note for 23*l.* to boot in return for a horse. There was no evidence to show Mr. Bryan knew Huxley to be a convict; and a convict constable living on Mr. Bryan's property, he being a Magistrate, swore that he had examined Huxley and reported him to be free. On this evidence Mr. Bryan was acquitted of the offence of harbouring; but it is most singular, that no sooner had Huxley been apprehended than Mr. Bryan writes to Mr. Lyttleton, urging him to conceal the circumstance, and especially the fact of his being a convict, as he was in a plan for entrapping the bush-rangers! He has a private conference with Huxley, goes to him in gaol, gives him money there, and afterwards admits before some of the Magistrates, that he knew the man to be a bad character, but employed him "because he had so much tact." The note for the 23*l.* was found on Huxley's person, and delivered to Mr. Bryan.

8. In October 1833 it was discovered that a convict named Gurney, an assigned servant to Mr. Bryan, had been for several months together permitted by his master to carry on a trade on his own account, and to remain wholly absent from his master's premises.

During this time Gurney passed as a free man, and worked occasionally as a watchmaker. In the course of this employment, having been guilty of a gross fraud, the case came before the Police, and Gurney was removed from Mr. Bryan's service.

There is no evidence of improper motives in Mr. Bryan's allowing this convict thus to remain at large; but even were there no other case, I should consider it alone amply sufficient to justify the opinion that Mr. Bryan was an unfit person to be entrusted with the charge of convicts, under any circumstances.

9. In the course of the same month of October, occurred the circumstance which brought to light more of Mr. Bryan's transactions with his convict servants, and which led eventually to the measure of removal so loudly complained of by Mr. Bryan, and censured by the virtuous conductors of our patriotic Press. Several cattle having been brought to Launceston for slaughter, with an unusual variety of brands and marks, some placed over older brands,

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brands, the inspector detained them, and Mr. Lyttleton directed the person who brought them to be apprehended. The man who had in the interim found purchasers for most of the cattle, was found to be Samuel Arnold, a convict, having lately obtained a ticket of leave; and his employer was found to be Mr. Bryan. He was in the first instance merely interrogated as to the means by which he had become possessed of the property. The following contains in substance the most material parts of the statement thereupon made by him:—

He said that the cattle were his own; that some were bred by himself; that he had been assigned to Mr. Bryan for several years; that during the whole time he had kept cattle on his master's property; that he had previously been assigned to Mr. Bryan's brother, and had received four head of cattle from him; that two of the cattle he had *bought* from his master Mr. William Bryan; that he, this convict servant, had been in the habit of supplying his master with beef, for which there was a running account between them; that another beast was also originally Mr. Bryan's, given by Bryan to another convict servant named Bates, and bought by him from Bates; that he had been employed as a stock-keeper, getting in wild cattle for Mr. Bryan, *of which he was to have half*; this was after getting his ticket of leave; that the horse found in his possession he bought of his master, while still his assigned servant; that he paid him for it *in cattle*; that in the whole, he possessed a herd of no less than *sixty-eight*; and that these were allowed to run on Mr. Bryan's land without charge, he receiving on that account less wages in money.

10. Such was this prisoner stock-keeper's story, told with no desire to criminate Mr. Bryan, and told before any criminal charge was preferred against himself, and before even the cattle detained by the Inspector had been identified. To crown the whole, it appears that the ticket of leave had only been obtained for him a few months; and that only a few months previously to getting it, he had been sent, for some misconduct, to a chain gang; his master, nevertheless, continuing to allow this convict servant sixty-eight head of cattle to run upon his property during the whole term of punishment. In short, so monstrous a case of wilful violation of all the Government regulations, so utter a contempt of even the *decent* requisites of convict discipline, so gross an instance of facilities, if not encouragement, afforded to the commission of crime on a large scale, I am happy to say for the sake of the colony, I never before or since have met with or heard of, on the part of any master to whose service convicts have been entrusted; and this master was a Magistrate of the territory.

11. As to the cattle themselves, thus for years accumulating in the hands of a convict assigned servant, they bore marks and brands of the most perplexing variety. In fact, such were the contrivances, that but for the singular fatuity which led Arnold on this occasion to bring some of his stolen acquisitions into the town, the most ingenious scrutiny would have been baffled up to the present hour. Some were branded J. B., some with an additional W. B., some S. A., some S. R., and so on. Some of the letters were purposely made by imperfect brands. Existing letters were occasionally altered by slight brandings. Thus, J. K. was made J. R., J. K. was made R. K., and, in general, where a complete and genuine brand was used, it was used immediately over the old brand; the consequence was that the old brand was defaced or obliterated. In either case it became almost impossible to identify the animal. In fact, in the result of Arnold's case, detection could not have been followed by sufficient proof, had not two or three of the beasts been *killed*, when the old brand became visible on the *obverse beneath the skin*. I do not mean to insinuate that Mr. Bryan was directly a party to all this villany; but one can hardly believe that he could have failed to notice the *fact* of Arnold having so many brands on his cattle, or that noticing it, he could have been ignorant that some singular cause must have existed for so remarkable a circumstance. And, after all, the number *found* to be still in Arnold's possession bears a small proportion to the number collected by him and killed or otherwise made away with. How many of these were stolen it is impossible to say; but if Mr. Reid and Mr. Leith are to be credited, it is not only as a *master* that he is culpable. I willingly discredit them, however, since his case may more be fairly weighed by other testimony.

12. Two or three days after the date of these statements by Arnold, three distinct owners identified some of the detained cattle, and on the 21st October Arnold was fully committed on three charges of cattle-stealing. Upon his examination the reason for some of the letters selected as brands was disclosed. J. K. was a brand used by James Kavenagh, another convict assigned servant to Mr. Bryan. J. B. answered for the initials of John Bates, also one of Mr. Bryan's assigned convict servants. They also answered for Mr. John or James Bryan, one of Mr. Bryan's nephews. But the brand appears to have been preferred by Arnold because it would also stand for James Broomhall, a freeman residing in Mr. Bryan's neighbourhood, whom Arnold intended to represent as the real owner of the cattle in cases where it might become desirable.

13. The Police-office examinations upon oath, therefore, disclosed the fact; the permitted ownership of cattle and other property by servants under assignment was not confined by Mr. Bryan to the instance of Arnold only. John Bates, one of those servants, deposed that he had cattle running on Mr. Bryan's land, that they were under the care of Arnold, and that he had himself lately sold four of them to Broomhall. James Kavenagh, holding a ticket of leave, swore that a year before he obtained it he had five head of cattle on Mr. Bryan's land; that several months before he got it he bought from his master a cow, for which he *gave him sheep*; and that when he left Mr. Bryan's service he handed his cattle over to Thomas Handford.

Report of Attorney
General relative to
Mr. W. Bryan.

Henry Scard, another assigned servant to Mr. Bryan, deposes to facts of a different nature, to which I shall come presently.

14. On the 22d October, the Supreme Court happening then to hold its sittings at Launceston, Arnold was tried and convicted.

In the interim a case of cattle-stealing had been effectually substantiated against Thomas Handford, the man to whom Kavenagh turned over his, and the same who gave Huxley cattle, with a promissory note, in return for a horse purchased of Mr. Bryan.

Handford, on the 25th October, was tried and convicted also; and there is every reason to believe that he stole the cattle for which that horse was bought. Such have been some of the results of Mr. Bryan's negotiations. Little else was to have been expected, considering the notoriously bad character of the persons he employed in them. It remains to be stated what were the steps taken to render further disclosures impossible. Handford, after conviction, admitted those cattle to have been stolen, but said that they had been allowed to escape. The circumstance next mentioned goes far to prove that the man spoke the truth.

15. On the trial of Arnold, Mr. Justice Montagu animadverted strongly on Mr. Bryan's conduct in suffering a convict to be roaming about the country in such a manner, and His Honour, as well as my predecessor, Mr. McDowell, intimated to Mr. Lyttleton that it was his duty to represent that conduct immediately to the Governor. In consequence of this, and of Handford's conviction, Mr. Lyttleton transmitted the depositions to the chief Police Magistrate, and entered upon further inquiries. A very few days afterwards Lieutenant Lonsdale, or a soldier under his orders, found upon Mr. Bryan's property a paper, without date, signature or direction, but certainly in the hand-writing of Mr. or Mrs. Bryan, and intended as instructions to some agent or overseer, by whom it had probably been dropped. The contents of this paper are so extraordinary that I think it right to copy it entire. I have the original in my possession at this moment; there is no doubt of its authenticity; it is in the hand-writing of all or the greater part of Mr. Bryan's correspondence; the hand-writing is, I believe, that of Mrs. Bryan; I know it myself to be acknowledged by Mr. Bryan.

The contents are as follows:—

"Get from Renton his agreement. Take Ned King to your house. Send Fenny here. Take Scarrell with you to examine every beast on my land. Arnold has been offered his life and liberty if he will, or can, hang or destroy any of my people. I shall hold you responsible for any opportunity you may give L——— or his abettors of injuring my people. Be on your horse constantly; rewards have been offered to implicate you.

"Arnold's conduct has given the Governor an opportunity of seizing all the property of ticket-of-leave men, and prisoners for sale."

16. Part of this most suspiciously framed document has an object sufficiently evident; I will not say that Mr. Bryan had ever himself stolen, or knowingly received when stolen, any cattle whatever; nor will I assert that he was anxious personally to escape the consequences of stolen cattle being found on his property; but I cannot, from such a paper, arrive at any other conclusion than that Mr. Bryan, a large stock-holder and proprietor of land, and a magistrate, deliberately interposes, by measures peculiarly suspicious in their character, to rescue felons and noted depredators from detection of their crimes, to defeat the great end of convict discipline, and to set the Government at defiance, by preventing a seizure of property which he knew that the Government does not permit a convict to enjoy whilst in servitude, even if honestly come by.

17. "Renton" was a convict recently before in Mr. Bryan's service, assigned to him, but then holding a ticket of leave. The other three names clearly refer to Edward King, Joseph Fenny and Henry Scard, all convicts assigned to him and still in his service. The initial L——— evidently means Mr. Lyttleton.

The document was found on the 9th of November. It appears from a sworn statement of Scard, there called Scarrell, that it must have been written five or six days before, and that it was intended for and received by Mr. Bryan's nephew before alluded to. On the 4th and 5th November Mr. Robert Bryan and Scard collected together the cattle on Mr. Bryan's property, and all those which had not Mr. Bryan's own brand on them were turned loose in the Bush, excepting some which were taken to the pound. Thus were Mr. Bryan's instructions carried into effect, and the ends of justice in a great measure defeated.

18. What was meant by "Renton's agreement" was soon explained. This man, fearing to lose the benefit of what he thought a desirable bargain, upon the attempt being made to persuade him to give up that agreement, placed it in the hands of Mr. M. L. Smith, the Police Magistrate of Norfolk Plains, and it is now in my possession. I have distinct proof also of the hand-writing. It has the signature of Mr. Bryan. It is an agreement for a lease, dated 29th August 1833, to Renton and Fenny, of part of the Glenore estate, for three years and a half, at a rent of four bushels of wheat for each cultivated acre. And Mr. Bryan engages to let them have, as required, eight oxen, a cart, a plough and harrow on loan. In return, they are to remove neither hay nor straw, and the latter may be used at discretion by Mr. Bryan. He also engages to supply them with meat at a stipulated price. This is surely bad enough. In fact, as calling for the measure of removal of his servants, Mr. Bryan's conduct in this transaction, is worse than that of his employment of Huxley, or of Arnold; or his turning loose their cattle, or permitting the convict Gurney to be his own master; or trafficking with his other convict servant Kavenagh. Here is Mr. Bryan formally letting part of his land to two convicts, of whom one was at the time, and was likely to continue, his assigned servant. I cannot collect whether Renton was or not at the time an assigned

assigned servant also. But if he were, there was less impropriety as to him, because he must have been on the eve of obtaining his ticket. Fenny, an assigned convict, becomes tenant of a farm, has a right to his master's bullocks to cultivate it, pays his master a rent, and buys from his master meat for his household! But this is not all. Mr. Bryan further engages to employ a fellow convict servant to assist in cultivating this convict lessee's land. The convict becomes a tenant for years, and has a brother convict leased to him into the bargain. "I promise to employ," says Mr. Bryan, in his written agreement, "Edward King, assisting to cultivate the land, or another man in his place."

Report of Attorney General relative to Mr. W. Bryan.

19. The document found by Mr. Lonsdale is thus explained fully. Renton was to give up possession of the agreement. Fenny, his co-lessee, was to be sent to Mr. Bryan. King was to be taken to Mr. Robert Bryan. The witnesses, like the cattle, were to be got out of the way of detection.

20. All these circumstances, and some others to which I have not thought it necessary to advert, having officially come before the Government, and the removal of Mr. Bryan's servants having been distinctly suggested by the chief Police Magistrate, the Crown Solicitor and Attorney General, that measure, as well as the erasure of Mr. Bryan's name from the Commission of the Peace, were considered in the Executive Council and most properly determined upon. I think it is manifest that your Excellency could have taken no other course consistently with that which was due to the Government and the community.

21. I have not been desirous unnecessarily to allude to circumstances not distinctly forming any part of the reasons which seem to have influenced the Council. But as, upon again reading through some of the papers, I perceive that a statement of Mr. Leith's is officially reported to your Excellency by Mr. Lyttleton, I think it right to introduce it also here. Mr. Leith, who is well known and much respected in Mr. Bryan's neighbourhood, states that some hundreds of cattle must have been slaughtered by Mr. Bryan's servants which did not belong to him. Mr. Leith states that Mr. Bryan's overseer, a man named Peter Rush, admitted the fact to him; that Mr. Leith himself mentioned this to Mr. Bryan; that he also remonstrated with Mr. Bryan respecting some cattle of Mr. Dry's, which had been *re-branded* by the former's servants over the old brand, but that Mr. Bryan would not take any notice of the matter. It is not a little remarkable, after such a statement, that Peter Rush should have, about eight or ten months ago, clandestinely quitted the colony.

22. Mr. Bryan has discontinued his actions at law, as he states, because he could not obtain from the Court an order for their being tried by a Jury. I must say, that under all the circumstances I regret that such an order was not consented to. When the question was first considered by me, I thought differently. As the case proceeded, I felt more confident about the verdict, and, assailed as the Government was by the Press, I thought it less important what that verdict was. A simple narrative of the facts would have put Mr. Bryan and his case into the dust. But I believe that Mr. Bryan was glad of the excuse for retiring from the contest. His servants were removed on the 4th or 5th of *December*. He then knew all the facts which he could know at any time. He gave notices of action to Mr. Lyttleton for slander; to Mr. M. L. Smith and his chief District Constable, for removing the servants, relying chiefly upon the removal of their *clothes*; and he brought, or threatened, actions for slander against Mr. Reid, Mr. Leith, Mr. Dyball and Mr. Foote. Yet, not until the month of *June* last did he make a serious effort to bring either of the cases to trial; and he would not *then*, I believe, have done so, had he not seen the public mind previously so heated and prejudiced respecting them, that he hoped it would have been in vain for either of the defendants to expect justice.

I have the honour, &c. &c.

(signed) *Alfred Stephen.*

VAN DIEMEN'S LAND.

COPIES of TWO DESPATCHES from the LIEUTENANT-GOVERNOR of *Van Diemen's Land*, bearing date respectively the 1st December 1833 and 24th October 1834, on the subject of the Erasure of Mr. *William Bryan's* Name from the Commission of the Peace, and the withdrawal of his assigned Servants.

(*Sir George Grey.*)

*Ordered, by The House of Commons, to be Printed,
11 July 1836.*

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CROWN LANDS (VAN DIEMEN'S LAND.)

RETURNS to an ADDRESS of the Honourable The House of Commons,
dated 17 April 1834;—for,

No. 1.—RETURNS of all SALES of LANDS in *Van Diemen's Land*, from the 31st December 1823 to 1st January 1834; distinguishing between CROWN LANDS, CROWN RESERVES and CLERGY RESERVES; and specifying, in the order of Date on which such Sales were effected, 1st, the Quantity of Land in each Lot; 2d, where situated; 3d, Conditions of Sale (such as Credit given, &c.); 4th, Price per Acre; 5th, Monies received in payment; 6th, the Application of said Monies.

No. 2.—RETURNS of all GRANTS or APPROPRIATIONS of CROWN LANDS in *Van Diemen's Land*, without purchase, between 31st December 1823 and 1st January 1834; showing the Quantity of Land granted or appropriated to each Holder, where situate, and under what conditions.

(*In continuation of Paper presented 27 March 1835, No. 92.*)

[*N. B.*—The Returns for *New South Wales* have not yet been received.]

Colonial Department, }
26 July 1836. }

G. GREY.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
28 July 1836.

S C H E D U L E.

- (1.)—Return of Lands Sold from 31st December 1823 to 1st January 1834 - - - p. 3
- (2.)—Return of Clergy Lands Sold from 31st December 1823 to 1st January 1834 - - p. 5
- (3.)—Return of all Grants or Appropriations of Crown Lands from 31st December 1823 to
1st January 1834 - - - - - p. 6
-

*Notes :—*In the annexed Returns the Letters of Reference shown in the 4th Column of No. 1, and the 8th Column of No. 3, have the following meaning, according to each Letter respectively, viz. :—

A denotes the Quit-rent of a Location to be chargeable Five Years from the date of the Order, which is shown in the 4th Column.

B denotes the Quit-rent to be chargeable Seven Years from the date of the Order.

C denotes the Quit-rent to be chargeable from the date of the Order.

D denotes a Location to be free from Quit-rent.

—No. 1.—

RETURNS of all SALES of LANDS in *Van Diemen's Land*, from the 31st December 1823 to 1st January 1834; distinguishing between CROWN LANDS, CROWN RESERVES and CLERGY RESERVES; and specifying, in the order of Date on which such Sales were effected, 1st, the Quantity of Land in each Lot; 2d, where situated; 3d, Conditions of Sale (such as Credit given, &c.); 4th, Price per Acre; 5th, Monies received in payment; 6th, the Application of said Monies.

(1.)—RETURN of LANDS Sold from 31st December 1823 to 1st January 1834.

Date of Sale.	Area in Acres.	Where situate.	Conditions of Sale.	Monies received.	Price.	Appropriation.	Purchasers' Names.	Lots.
1828	480	Archer - Parish	C	£. s. d. 92 8 -	£. s. d. - 7 -	- - -	J. H. Wedge -	4
	873	Ditto - ditto	"	{ 115 10 -	{ - 7 -	- - -	{ Thomas Archer & Abraham Walker	{ 5
	& 544	Hertford ditto	"	103 5 -	- 7 -	- - -	Thomas Archer -	7
	4,189	Bathurst ditto	"	661 7 6	- 6 6	- - -	George Alston -	8
	2,467	Ditto - ditto	"	288 15 -	- 7 -	- - -	ditto -	9
	1,000	Lennox - ditto	"	165 - -	- 6 -	- - -	Francis Allison -	12
	980	Ditto - ditto	"	110 - -	- 4 -	- - -	Andrew Gatenby -	14
	1,750	Lincoln - ditto	"	195 16 -	- 4 -	- - -	W. J. Ruffey -	15
	496	Bredalbane ditto	"	55 - -	- 4 -	- - -	Thomas Reibey -	17
	536 3/4	Bath - ditto	"	140 5 -	- 7 6	- - -	Thomas Anstey -	18
	421	Somerton ditto	"	36 11 6	- 3 6	- - -	Edmund Hodgson -	23
	3,170	Dysart - ditto	B	233 15 -	- 4 3	- - -	Joseph Johnson -	24
	2,000	Ditto - ditto	C	400 - -	- 4 -	- - -	George Ashton -	25
	500	Wellington ditto	A	123 15 -	- 5 6	- - -	W. T. Parramore -	30
	500	Ditto - ditto	C	63 - 5	- 4 7	- - -	James Scott -	31
	2,000	Stradbroke ditto	"	288 15 -	- 5 3	- - -	Edw. Abbott, jun. -	39
	2,000	Bruni - ditto	B	408 6 8	- 4 1	- - -	James Kelly -	44
	350	Largo - ditto	"	70 - -	- 4 -	- - -	Robert Barr -	45
	640	Grantham ditto	C	88 - -	- 5 -	- - -	Philip Russell -	46
	1,847	Vincent - ditto	"	233 15 -	- 9 1	- - -	James Scott -	48
	1,000	York - ditto	B	200 - -	- 4 -	- - -	J. M. Hudspeth -	51
	200	Ditto - ditto	"	80 - -	- 8 -	- - -	C. M. Cogle -	52
	640	Dulverton ditto	C	140 16 -	- 8 -	- - -	Thomas Anstey -	54
	1,000	Exmouth ditto	"	116 17 6	- 4 3	- - -	Thomas Anstey -	55
	1,000	Rutland - ditto	"	110 - -	- 4 -	- - -	Thomas Bell -	56
	800	Ditto - ditto	"	99 - -	- 4 6	- - -	John Thompson -	57
	1,000	Rochford ditto	"	178 15 -	- 6 6	- - -	George Thompson -	58
	220	Queenboro' ditto	"	57 15 -	- 10 6	- - -	David Lord -	60
	700	South Esk River	B	192 10 -	- 5 6	- - -	James Grant -	69
	1,000	Ditto - ditto	C	300 - -	- 6 -	- - -	James Cox -	71
	2,000	Western - ditto	A	450 - -	- 5 -	- - -	Richard Dry -	74
	500	Norfolk Plains	C	110 - -	- 8 -	- - -	Horice Rowcroft -	75
	1,280	Lake - River	"	211 4 -	- 6 -	- - -	Patrick Wood -	76
	640	Ditto - ditto	"	105 12 -	- 6 -	- - -	Patrick Wood -	77
	500	Peel - Parish	"	68 15 -	- 5 -	- - -	Thomas Scott -	78
	1,000	Ditto - ditto	C	110 - -	- 4 -	- - -	Thomas Scott -	79
	1,000	{ Gibbs and Corn- wallis Parishes	B	300 - -	- 6 -	- - -	John Cassidy -	80
	594	Hertford - Parish	C	132 - -	- 8 -	- - -	Joseph Archer -	86
	868	{ Cleveland & Ep- ping Parish	"	134 1 3	- 5 6	- - -	David Gibson -	87
	1,645	Campelton Parish	"	192 10 -	- 7 -	- - -	Temple Pearson -	89
	302	North Esk River	"	44 - -	- 8 -	- - -	James Hill -	90
	1,600	Norfolk Plains	"	330 - -	- 8 -	- - -	Joseph Archer -	91
TOTAL Lands sold in 1828		48,232 3/4				Paid to the Colonial Treasurer.		
1 Aug. 1829	300	Argyle - Parish	B	75 - -	- 5 -	- - -	George Rayner -	2
	640	Largo - ditto	C	88 - -	- 5 -	- - -	Captain Wood -	3
	85	Sorell - ditto	"	28 1 -	- 12 -	- - -	David Lord -	4
	505	Forbes - ditto	"	66 18 4	- 6 1	- - -	T. G. Gregson -	5
	1,393	Huntingdon ditto	"	181 10 -	- 5 6	- - -	John Beaumont -	7
	960	Sorell & Ulva ditto	"	187 - -	- 8 6	- - -	David Lord -	8
	320	Sorell - ditto	B	103 6 7	- 8 4	- - -	J. E. Burchall -	9
	300	Maxwell - ditto	"	90 - -	- 6 -	- - -	John Vincent -	12
	439	Longford ditto	C	220 - -	- 1 -	- - -	M. L. Smith -	13
	1,000	South Esk River	B	400 - -	- 8 -	- - -	Thomas Stanfield -	14
	320	Ovoca - Parish	C	74 16 -	- 8 6	- - -	John Sinclair -	15
	300	Campelton ditto	"	66 - -	- 8 -	- - -	Temple Pearson -	19
	300	Westbury ditto	"	57 15 -	- 7 -	- - -	Captain M. Fenton -	20
	640	Quamby ditto	B	160 - -	- 5 -	- - -	William Bryan -	21
	2,000	North Esk River	C	220 - -	- 4 -	- - -	Peter Lett -	24
	205	Lymington Parish	B	93 17 8	- 12 6	- - -	L. W. Gilles -	25
	2,022	Lake - River	C	550 - -	- 10 -	- - -	W. E. Lawrence -	26
	2,000	Ditto - ditto	"	563 15 -	- 10 3	- - -	W. E. Lawrence -	27
	2,000	Silwood - Parish	"	224 11 8	- 4 1	- - -	W. P. Ashburner -	28
	2,500	Western River	"	343 15 -	- 5 -	- - -	Thomas Rubey -	29
	1,000	Carrick - Parish	"	143 1 9	- 5 2	- - -	W. G. Walker -	30
	1,500	Lincoln - ditto	"	247 10 -	- 6 -	- - -	Rod. O'Connor -	82
	60	Bredalbane ditto	B	75 - -	- 1 5 -	- - -	Thomas Archer -	34
TOTAL Lands sold in 1829		20,789						
24 Aug. 1831	1,020	Lake River	C	75 16 8	- 4 8	- - -	J. G. Parker -	1
	2,511	Western District	"	354 6 3	- 6 -	- - -	C. R. Prinsep -	2
	3,000	Carrick - ditto	"	105 12 6	- 7 - 1/2	- - -	William Bryan -	3
	2,500	Western - ditto	"	395 6 8	- 5 9	- - -	J. R. Thomas -	4
	360	Break-o'-day ditto	B	97 13 -	- 7 -	- - -	Archibald Smith -	6
	1,535	Dulverton Parish	C	144 7 6	- 5 3	- - -	Thomas Anstey -	10
	800	Ditto - ditto	"	146 13 4	- 6 8	- - -	Thomas Anstey -	11
	400	Apsley - ditto	"	72 - 10	- 11 1	- - -	John Bisdee -	12
	200	Ditto - ditto	"	32 15 5	- 10 1	- - -	John Bisdee -	13
	775	Bath - ditto	"	163 12 6	- 8 6	- - -	Thomas Anstey -	14

RETURN of LANDS Sold from 31 December 1823 to 1 January 1834—continued.

Date of Sale.	Area in Acres.	Where situate.	Conditions of Sale.	Mobies received.	Price.	Appropri- ation.	Purchasers' Names.	Lots.
				£. s. d.	£. s. d.			
24 Aug. 1831	600	Oatlands - Parish	B	82 17 6	- 8 6	- - -	David Lord -	15
	200	Spring Flin ditto	C	30 6 3	- 6 3	- - -	John Bisdee -	16
	2,300	Ditto - ditto	A	nil	- 6 6	- - -	John Jones -	17
	200	Winterton ditto	C	26 5 5	- 8 1	- - -	John Bisdee -	18
	1,268	Ditto - ditto	B	81 5 -	- 8 4	- - -	Joseph Hone -	19
	1,000	Durham - ditto	"	36 9 2	- 7 3½	- - -	William Bunster -	20
	320	Rutland - ditto	"	84 - -	- 5 3	- - -	Michael Jones -	22
	1,000	Stradbroke, ditto	C	172 8 11	- 6 3½	- - -	J. Sharland -	23
	220	Uxbridge ditto	B	50 1 -	- 14 -	- - -	G. F. Re ad -	24
	1,200	Ditto - ditto	"	136 10 -	- 7 -	- - -	John Kerr -	25
	100	Wellington ditto	C	19 10 -	- 12 -	- - -	Edw ^d Dumaesq -	26
	556	Drummond ditto	B	188 10 10	- 7 6½	- - -	David Reynolds -	27
	450	Kingboro' ditto	"	34 14 8	- 4 9	- - -	J. Fergusson -	28
	160	Glenorchy ditto	"	39 - -	- 15 -	- - -	Henry Bilton -	29
	500	Morven District	C	25 12 6	- 10 3	- - -	Jocelyn Thomas -	30
	247	Break-o'-day ditto	B	9 15 -	- 4 -	- - -	William Talbot -	31
	819	Ditto - ditto	"	62 11 3	- 5 6	- - -	William Talbot -	32
	100	Melville - Parish	"	58 2 6	- 11 7½	- - -	A. Reid -	34
	2,470	Meander - River	C	427 7 2	- 6 3½	- - -	William Archer -	35
	1,000	Swan - Port	"	nil	- 4 -	- - -	George Meredith	36
	400	Ditto - ditto	"	nil	- 4 -	- - -	George Meredith	37
	47	Glenorchy Parish	B	42 5 -	- 3 5 -	- - -	James Grant -	39
	80	Melville - ditto	"	10 - -	- 1 5 -	- - -	William Forbes -	40
TOTAL Lands sold in 1831		28,338						
30 July 1832	572	Eskdale - Parish	D	125 - -	- 5 -	- - -	James A. Yont -	1
	407	Ditto - ditto	"	100 - -	- 5 -	- - -	Thomas Archer -	2
	640	Salisbury ditto	"	160 - -	- 5 -	- - -	John Makersey -	4
	650	Campbelton ditto	"	264 - -	- 8 3	- - -	Temple Pearson -	5
	496	Wincanton ditto	"	510 - -	- 5 -	- - -	Samuel Hill -	6
	640	Eldon - ditto	"	160 - -	- 5 -	- - -	William Hill -	8
	640	Ditto - ditto	"	160 - -	- 5 -	- - -	Samuel Horton -	9
	640	Peel - ditto	"	240 - -	- 7 6	- - -	Thomas Scott -	12
	640	Ditto - ditto	"	160 - -	- 5 -	- - -	Thomas Scott -	13
	640	Ditto - ditto	"	160 - -	- 5 -	- - -	Thomas Scott -	14
	640	Durham - ditto	"	280 - -	- 8 9	- - -	Andrew Mitchell	15
	644	Cornwallis ditto	"	322 13 4	- 10 1	- - -	C. J. Bayley -	16
	640	Ditto - ditto	"	221 6 8	- 6 11	- - -	Edward Bisdee -	17
	640	Ditto - ditto	"	160 - -	- 5 -	- - -	J. M'Clanachan	18
	640	Ditto - ditto	"	159 10 -	- 5 -	- - -	W ^m Kimberley -	19
	606	Maxwell - ditto	"	19 9 4	- 6 1	- - -	W ^m Kimberley -	21
	640	St. Paul's River	"	160 - -	- 5 -	- - -	H. G. Brock -	22
	640	Ditto - ditto	"	160 - -	- 5 -	- - -	H. G. Brock -	23
	640	Ditto - ditto	"	nil	- 7 5	- - -	Rolla O'Farrell -	24
	800	Ditto - ditto	"	443 6 6	- 11 1	- - -	William Talbot -	25
	800	Ditto - ditto	"	350 - -	- 8 9	- - -	William Talbot -	26
	1,400	Ditto - ditto	"	717 10 -	- 10 3	- - -	William Talbot -	27
	650	Ditto - ditto	"	16 - -	- 5 -	- - -	R. N. Legge -	28
	645	Ditto - ditto	"	16 - -	- 5 -	- - -	R. N. Legge -	29
	640	Morven District	"	160 - -	- 5 -	- - -	John Batman -	30
	300	Ditto - ditto	"	35 - -	- 1 3 6	- - -	Richard White -	33
	636	Ditto - ditto	"	159 - -	- 5 -	- - -	E. D. Wedge -	35
	640	Ditto - ditto	"	160 - -	- 5 -	- - -	E. D. Wedge -	36
	640	Ditto - ditto	"	160 - -	- 5 -	- - -	Peter Lette -	39
	640	Ditto - ditto	"	160 - -	- 5 -	- - -	Peter Lette -	40
	640	Ditto - ditto	"	160 - -	- 5 -	- - -	Peter Lette -	41
	640	Ditto - ditto	"	160 - -	- 5 -	- - -	Peter Lette -	42
	184	Ditto - ditto	"	4 11 6	- 5 -	- - -	Robert Pitcairn -	43
	640	Tamar District	"	20 10 8	- 6 5	- - -	G. W. Barnard -	44
	640	Ditto - ditto	"	160 - -	- 5 -	- - -	A. T. Collett -	45
	13	Norfolk - Plains	"	4 4 6	- 6 6	- - -	Joseph Hone -	46
	642	Sillwood - Parish	"	293 - 8	- 9 2	- - -	W. P. Ashburner	47
	639	Ditto - ditto	"	25 12 -	- 8 -	- - -	William Bryan -	48
	644	Ditto - ditto	"	181 6 8	- 5 8	- - -	W. P. Ashburner	49
	506	Carrick - Parish	"	35 - -	- 14 -	- - -	William Bryan -	53
	487	Westbury ditto	"	135 18 4	- 5 7	- - -	W ^m Lyttleton -	54
	640	Weston - District	"	16 - -	- 5 -	- - -	Michael Fenton -	61
	640	Carlton - Parish	"	16 - -	- 5 -	- - -	Joseph Steele -	62
	640	Dysart - ditto	"	18 - -	- 5 -	- - -	Anth ^y F. Kemp -	63
	640	Rutland - ditto	"	160 - -	- 5 -	- - -	Philip Russell -	64
	400	Strangford ditto	"	11 - -	- 5 6	- - -	W ^m Kimberley -	66
	252	Huntingdon ditto	"	83 - -	- 6 11	- - -	F. Flexmore, jun. -	68
	640	Henry - ditto	"	160 - -	- 5 -	- - -	Thomas Willison -	69
	941	Hamilton ditto	"	353 11 10	- 15 2	- - -	T. M. Fenton -	74
	640	Eldon - ditto	"	293 6 8	- 9 2	- - -	Gavin Hogg -	10
	640	Abercromby ditto	"	320 - -	- 10 -	- - -	Gavin Hogg -	11
	640	Melville - ditto	"	16 - -	- 5 -	- - -	Mich ^l M'Shane -	77
	493	Arundel - ditto	"	16 - -	- 5 -	- - -	Messrs. E. Abbott and N. Bastian	78
	640	Jarvis - ditto	"	24 5 4	- 7 7	- - -	Gam ^l Butler -	79
	640	Jarvis - ditto	"	17 1 4	- 5 4	- - -	Gam ^l Butler -	80
	345	Staffa - ditto	"	126 10 -	- 7 4	- - -	William Kearney -	81
	818	Ulva - ditto	"	214 14 6	- 5 3	- - -	Robert Pitcairn -	82
	640	Uxbridge ditto	"	16 - -	- 5 -	- - -	John Walker -	83
	640	Wellington ditto	"	160 - -	- 5 -	- - -	Fra ^s Count -	84
	640	Glenorchy ditto	"	16 - -	- 5 -	- - -	A. F. Kemp -	85
	299	Ormaig - ditto	"	30 8 -	- 9 6	- - -	Andrew Tolmey -	86
	756	Ditto - ditto	"	23 4 -	- 7 3	- - -	Robert Pitcairn -	87
	640	Ditto - ditto	"	216 - -	- 6 9	- - -	Robert Pitcairn -	88
	640	Ditto - ditto	"	160 - -	- 5 -	- - -	Robert Pitcairn -	89
	640	Ditto - ditto	"	160 - -	- 5 -	- - -	Robert Pitcairn -	90
	640	Abergavenny ditto	"	160 - -	- 5 -	- - -	Andrew Smith -	91
TOTAL Lands sold in 1832		40,339						

APPROPRIATIONS OF CROWN LANDS IN VAN DIEMEN'S LAND.

509
5

RETURN of LANDS Sold from 31 December 1823 to 1 January 1834—continued.

Date of Sale.	Area in Acres.	Where situate.	Conditions of Sale.	Monies received.	Price.	Appropriation.	Purchasers' Names.	Lots.
				£. s. d.	£. s. d.			
16 Dec. 1833.	760	Guilford - Parish	D	199 - -	- 5 -	Paid to the Colonial Treasurer.	J. F. Sharland -	92
	415	Ditto - ditto	"	103 15 -	- 5 -		Major J. Gibson -	93
	446	Ditto - ditto	"	111 10 6	- 5 -		Wm. S. Sharland	94
	380	Ditto - ditto	"	95 - -	- 5 -		Wm. S. Sharland	95
	789	Ditto - ditto	"	197 5 -	- 5 -		Major Gibson -	96
	809	Ditto - ditto	"	202 5 -	- 5 -		Wm. S. Sharland	97
	421	Ditto - ditto	"	105 5 -	- 5 -		David Burn -	98
	640	Vincent - ditto	"	160 - -	- 5 -		Lieutenant Small	99
	640	Ditto - ditto	"	160 - -	- 5 -		Lieutenant Small	100
	640	Yarlington ditto	"	160 - -	- 5 -		Thomas Nicholson	101
	939	Winterton ditto	"	35 12 3	- 6 1		Edmund Hodgson	103
	640	Hartington ditto	"	22 8 -	- 7 -		George Stokell -	104
	640	Eastern Marshes -	"	16 - -	- 5 -		George Marshall -	105
	651	Cornwallis Parish	"	16 5 6	- 5 -		Robert Davidson	106
	640	Ovoca - ditto	"	16 - -	- 5 -		James Gilligan -	116
	640	Ditto - ditto	"	16 - -	- 5 -		James Gilligan -	117
	538	Deddington ditto	"	13 9 -	- 5 -		Donald Cameron	120
	327	Launceston ditto	"	13 7 11	- 8 6		James Reiley -	121
	640	South Esk River	"	16 - -	- 5 -		Wm. S. Sharland	122
	640	Ditto - ditto	"	16 - -	- 5 -		Wm. S. Sharland	123
	640	River Tamar -	"	16 - -	- 5 -		A. T. Collett -	124
	705	Carrick - Parish	"	425 - -	- 12 -		Henry Clayton -	125
	640	East Coast -	"	16 - -	- 5 -		William Steele -	126
	640	Hartington Parish	"	24 10 -	- 7 8		Lieut. Corrigan -	127
	640	Ditto - ditto	"	16 - -	- 5 -		George Stokell -	128
	42	Clarence ditto	"	14 14 -	- 7 -		John Pearsall -	129
	640	St. Alban ditto	"	16 - -	- 5 -		Henry Grey -	31
	640	Malvern - ditto	"	16 - -	- 5 -		Henry Grey -	32
TOTAL Lands sold in 1833	16,822							

SUMMARY:

MODES OF PAYMENT.

- 1.—A. The whole of the purchase money to be paid at the time of sale, allowing 10 per cent. discount.
- 2.—B. Deposit of 10 per cent., and the residue by four half-yearly instalments.
- 3.—C. Deposit of 10 per cent., and one moiety of the residue by two half-yearly instalments, and the remainder in 12 years, bearing an interest of 5 per cent.
- 4.—D. Deposit of 10 per cent., and the residue within one month.

RECAPITULATION of the QUANTITY of LAND sold in

1828	-	-	-	-	-	-	-	48,232 $\frac{3}{4}$ acres.
1829	-	-	-	-	-	-	-	20,789 "
1831	-	-	-	-	-	-	-	28,338 "
1832	-	-	-	-	-	-	-	40,339 "
1833	-	-	-	-	-	-	-	16,822 "

TOTAL Quantity of Land sold - - 154,520 $\frac{3}{4}$ acres.

* Exclusive of 35,371 acres of Clergy Lands sold in 1832: vide Return, No. 2.

(signed) George Frankland, Surveyor-General.

(2.)—RETURN of CLERGY LANDS Sold from 31st December 1823 to 31st January 1834.

Date of Sale.	Area in Acres.	Where situate.	Conditions of Sale.	Price.	Monies received.	Appropriation.	Purchasers' Names.	Lots.
				<i>s. d.</i>	<i>£. s. d.</i>			
12 June 1832.	4,000	{ Glen Moriston Parish - - }	- - Deposit of 10 per cent. at the time of sale, half the remainder at six months afterwards, and the other half at twelve months with- out interest.	21/1	401 13 4	Paid over to the Collector of Internal Revenue.	P. T. Smith -	1
	4,000	Ditto - ditto		16/4	326 13 4		- ditto -	2
	4,000	Ditto - ditto		16/6	330 - -		- ditto -	3
	4,000	Ditto - ditto		16/7	331 13 4		- ditto -	4
	4,000	Ross - ditto		16/7	331 13 4		- ditto -	5
	4,000	Ditto - ditto		16/7	331 13 4		- ditto -	6
	4,000	Ditto - ditto		16/	320 - -		- ditto -	7
	4,000	Ditto - ditto		29/	3,990 - -		Benjamin Horne -	8
16 Aug. 1832.	640	Hamilton Parish	- - Deposit of 10 per cent. at the time of sale, half the remainder within one month after- wards.	22/	774 - -		Edward Abbott -	70
	640	Ditto - ditto		16/6	278 - -		J. Atkinson -	71
	640	Ditto - ditto		6/9	39 5 9	{ W. M. Orr -	72	
	442	Ditto - ditto		7/3		{ W. M. Orr -	73	
	640	Wallace - ditto		5/	160 - -	William Stanfield	75	
	369	Grafton - ditto		6/	105 - -	George Turnley -	76	
Acres - -	35,371			£.	7,719 12 5			

(signed) George Frankland, Surveyor-General.

— No. 2. —

RETURNS of all GRANTS or APPROPRIATIONS of CROWN LANDS in *Van Diemen's Land*, without purchase, between 31st December 1823 and 1st January 1834; showing the Quantity of Land granted or appropriated to each Holder, where situate, and under what conditions.

(3).—RETURN of all LOCATIONS authorized from the 31st December 1823 to the commencement of Lieutenant-Governor *Arthur's* Administration.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
1824:									
Ash, James	700	Primary	9 Jan.	Norfolk Plains	-	-	A	700	Void.
Abbott, Robert	300	-	2 Feb.	Unlocated	-	-	"	-	
Arundell, James	800	-	20 "	ditto	-	-	"	-	ditto.
Abbott, jun., Edward	900	Primary	20 "	River Ouse	-	-	A	900	
Alwright, Richard	380	Additional	25 "	St. Patrick's Plains	-	-	C	380	Void.
Aldridge, John	1,000	Primary	28 "	Sorell Parish	-	-	A	1,000	
Amos, James	100	ditto	12 April	Great Swan Port	-	-	"	100	Void.
Allan, Andrew	2,000	ditto	1 "	Campbelton - Parish	-	-	"	-	
Anderson, James	300	Additional	11 May	Bramber ditto	-	-	C	300	Void.
Archer, William	2,000	Primary	6 Feb.	ditto ditto	-	-	A	2,000	
Archer, William, sen.	2,000	Reserve	6 "	-	-	-	"	-	Void.
Archer, Thomas	500	Additional	13 "	Chichester ditto	-	-	C	500	
Bedford, J. P.	700	Primary	1 Jan.	Drummond ditto	-	-	A	700	Void.
Bedford, E. S. P.	500	ditto	1 "	Clarence ditto	-	-	"	500	
Brodie, D.	1,200	ditto	21 "	Vincent ditto	-	-	"	-	Void.
Brodie, D.	50	-	27 "	-	-	-	"	1,250	
Barnes, William	1,000	Primary	30 "	Cleveland ditto	-	-	"	-	Residence imposed.
Branscomb, Thomas	300	ditto	2 Feb.	Dulverton ditto	-	-	"	300	
Burns, Jac ⁿ	500	Additional	2 "	Guilford ditto	-	-	C	500	Residence imposed.
Baker, William	200	Primary	13 "	Ulva ditto	-	-	A	200	
Boney, Joseph	700	ditto	15 "	Trefusis ditto	-	-	"	700	Void.
Barnes, William	500	Additional	18 "	Cleveland ditto	-	-	C	1,500	
Bryant, James	800	Primary	19 "	Guilford ditto	-	-	A	800	Void.
Bryant, Edmund	700	ditto	19 "	Eastern Marshes	-	-	"	700	
Bisdee, James	400	ditto	19 "	Unlocated	-	-	"	-	Void.
Bruce, Andrew	500	ditto	19 "	Tierney Parish	-	-	"	500	
Brown, David	300	Primary	28 "	Grafton ditto	-	-	"	300	Cancelled.
Barry, Robert	400	Additional	3 March	Rutland ditto	-	-	C	400	
Bayles, John	1,500	Primary	30 April	{ Lennox and Chats- worth Parishes }	-	-	A	1,500	Cancelled.
Brooks, George	500	Additional	4 May	Abergavenny Parish	-	-	C	500	
Beaumont, John	2,000	ditto	6 "	Huntingdon ditto	-	-	"	2,000	Cancelled.
Bromley, E. F.	2,000	Reserved	6 "	-	-	-	"	-	
Coulson, George	400	Primary	1 Jan.	Launceston District	-	-	A	400	-- Vide Christie, 320 acres, 7 Aug. 30.
Chace, S. R.	200	ditto	30 "	Kingboro' Parish	-	-	"	200	
Christie, John	100	ditto	30 "	Unlocated	-	-	"	-	-- Vide Christie, 320 acres, 7 Aug. 30.
Connelly, John	60	ditto	8 Feb.	ditto	-	-	"	60	
Cornack, Donald	300	ditto	9 "	Clarence Parish	-	-	"	300	Void.
Connelly, Charles	300	Additional	9 "	Maxwell ditto	-	-	C	300	
Capon, Thomas	100	ditto	13 "	Glenorchy ditto	-	-	"	100	Void.
Collins, Samuel	200	Primary	18 "	Unlocated	-	-	A	200	
Crear, James	700	ditto	19 "	Epping Parish	-	-	"	700	Void.
Culliford, George	200	ditto	20 "	Durham ditto	-	-	"	200	
Collins, William	300	ditto	25 "	Eastern Marshes	-	-	"	300	Void.
Collett, Major	2,000	Reserve	28 "	Unlocated	-	-	"	-	
Carter, Thomas, sen.	60	Primary	3 March	Ralph's Bay Parish	-	-	"	60	Void.
Carter, Thomas, jun.	60	ditto	3 "	ditto ditto	-	-	"	60	
Cogle, C. M.	600	ditto	8 "	Swan River	-	-	"	600	Void.
Cummings, C. J.	2,000	ditto	9 April	Little Swan Port	-	-	"	2,000	
Cummings, Lawrence	100	ditto	4 May	Glenorchy Parish	-	-	"	100	Void.
Clarke, G. C.	2,000	ditto	4 "	Chatsworth ditto	-	-	"	2,000	
Curtis, Daniel	60	ditto	6 "	Unlocated	-	-	"	60	Increased to 1,000, November 1828.
Cawthorne, J. H.	500	ditto	12 "	-	-	-	"	-	
Dickson, A ^d	600	-	20 Jan.	Unlocated	-	-	"	-	Void.
Downie, Andrew	400	Primary	21 "	Grafton Parish	-	-	"	400	
Dryden, Edward	100	ditto	27 "	Perth ditto	-	-	"	100	Void.
Dixon, George	200	Additional	30 "	Guilford ditto	-	-	C	200	
Dixon, Robert	200	ditto	30 "	ditto ditto	-	-	"	200	Void.
De Gillern, William	1,500	Primary	3 Feb.	Bramber ditto	-	-	A	1,500	
Desailly, Francis	200	Additional	5 March	Spring Hill ditto	-	-	C	200	Residence imposed.
Davis, William	200	Primary	8 "	{ D'entrecasteaux's Channel }	-	-	A	200	
Davey, Mrs.	1,000	ditto	11 "	Unlocated	-	-	"	1,000	Residence imposed.
Davidson, Robert	1,000	ditto	13 Feb.	Cornwallis Parish	-	-	"	1,000	
Evans, John	500	Primary	21 Jan.	Eskdale ditto	-	-	"	500	Residence imposed.
Evans, William	500	ditto	21 "	Vincent ditto	-	-	"	500	
Eddington, Eliza	500	ditto	19 Feb.	{ Beverley and Dodding- ton Parishes }	-	-	"	500	Residence imposed.
Evans, G. W.	2,000	ditto	15 March	Vincent and Henry ditto	-	-	"	2,000	
Emmett, H. J.	200	ditto	12 May	St. Cuthbert's ditto	-	-	"	200	Residence imposed.
Emmett, P. G.	200	ditto	12 "	ditto ditto	-	-	"	200	
Fitzgerald, Henry	60	Primary	9 Feb.	Unlocated	-	-	"	-	Residence imposed.
Fitzgerald, Henry	40	Additional	18 "	ditto	-	-	C	100	
Ferguson, Joseph	500	ditto	20 "	Melville Parish	-	-	"	500	Residence imposed.
Farquharson, George	1,000	Primary	3 March	St. Albionis ditto	-	-	A	1,000	
Fisher, Edward, sen.	200	Additional	3 "	Oatlands ditto	-	-	C	200	Residence imposed.
Fisher, Edward, jun.	100	ditto	3 "	Queenboro' ditto	-	-	"	100	
Fisher, John	100	ditto	3 "	Oatlands ditto	-	-	"	100	Residence imposed.
Fisher, William	100	ditto	3 "	Drummond ditto	-	-	"	100	
Fisher, Thomas	100	ditto	3 "	Oatlands ditto	-	-	"	100	Residence imposed.
Fisher, Joseph	100	Primary	3 "	ditto ditto	-	-	A	100	

APPROPRIATIONS OF CROWN LANDS IN VAN DIEMEN'S LAND.

RETURN of all LOCATIONS from 31 December 1823 to Lieutenant-Governor Arthur's Administration—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
1824:									
Gribble, Nicholas	500	Primary	9 Jan.	Strangford - Parish	-	-	A	500	Void.
Geiss, Anthony	200	ditto	20 "	Wellington - ditto	-	-	"	200	
Groves, Robert	100	ditto	29 "	Guilford - ditto	-	-	"	100	
Gunning, G. W.	700	Additional	29 "	Staffa - ditto	-	-	C	700	
Gage, J. O.	700	Primary	30 "	-	-	-	-	-	Residence imposed.
Ginn, William	100	ditto	13 Feb.	Cressy - ditto	-	-	A	100	
Gavin, Roger	200	Additional	18 "	Staffa - ditto	-	-	C	200	
Gordon, James	1,000	ditto	20 "	Forcett - ditto	-	-	"	1,000	
Gildes, James	200	Primary	20 "	River Tamar -	-	-	A	200	Residence imposed.
Govett, George	800	ditto	28 "	Sligo - Parish	-	-	"	800	
Greenwood, William	60	ditto	12 March	Arundell - ditto	-	-	"	60	
Gunn, William	600	ditto	13 "	Drummond - ditto	-	-	"	600	
Grant, James	2,000	ditto	30 April	Break-o'-day District -	-	-	"	2,000	Not confirmed.
Greenhill, Stephen	600	ditto	30 "	New Norfolk - Parish	-	-	"	600	
Grey, William	600	ditto	11 May	Salisbury - ditto	-	-	"	600	
Hill, William	700	ditto	9 Jan.	Campbelton - ditto	-	-	"	700	
Harrison, E.	500	ditto	10 "	ditto - ditto	-	-	"	500	Residence imposed.
Hood, Samuel	2,000	ditto	3 Feb.	Stradbroke - ditto	-	-	"	2,000	
Hollick, Thomas	60	ditto	13 "	Gibbs - ditto	-	-	"	60	
Henderson, A.	200	ditto	20 "	Launceston - ditto	-	-	"	200	
Humphrey, A. W. H.	2,000	Reserve	20 "	Rivers Derwent and Dee	-	-	C	2,000	Residence imposed.
Harrison, Robert	300	Primary	5 March	Dysart - Parish	-	-	A	300	
Hill, James, jun.	800	ditto	12 "	Launceston - ditto	-	-	"	800	
Howells, Henry	600	ditto	26 "	Fortescue - ditto	-	-	"	600	
Hardwicke, Frederick	300	ditto	1 April	Malverne - ditto	-	-	"	300	Not confirmed.
Harbourne, Henry	200	ditto	6 "	Kingboro' - ditto	-	-	"	200	
Haywood, Samuel	500	Additional	7 "	Grafton - ditto	-	-	C	500	
Hamilton, W. H.	2,000	Primary	21 "	Hamilton - ditto	-	-	A	2,000	
Hull, George	2,000	ditto	8 May	Hobarton - ditto	-	-	"	2,000	Residence imposed.
Humphrey, A. W. H.	220	Additional	16 "	-	-	-	C	-	
Hodgson, Edmund	800	ditto	13 "	Somerton - ditto	-	-	"	800	
Innis, David	50	Primary	5 March	Unlocated -	-	-	A	50	
James, John	500	ditto	20 Jan.	Guilford - Parish	-	-	"	500	Void.
Jones, John	420	Additional	18 Feb.	Spring Hill - ditto	-	-	C	420	
Jessop, Richard	50	Primary	3 March	Ralphs Bay - ditto	-	-	A	50	
Kinghorn, William	500	Primary	3 Feb.	Bruni - ditto	-	-	A	500	
Kelly, James	100	Additional	2 "	ditto - ditto	-	-	C	100	Residence imposed.
Kelman, W. D.	600	Primary	3 "	Gibbs - ditto	-	-	A	600	
Kinsey, John	100	ditto	13 "	Unlocated -	-	-	"	-	
Kermode, William	1,000	ditto	16 "	Gibbs - ditto	-	-	"	1,000	
Kearney, William	200	Additional	18 "	Eastbourne - ditto	-	-	C	200	Not confirmed, void.
Kearney, Thomas	200	ditto	18 "	ditto - ditto	-	-	"	200	
Knox, John	200	ditto	20 "	Sorell - ditto	-	-	"	200	
Kimberley, Wm, sen.	500	ditto	20 "	Cornwallis - ditto	-	-	"	500	
Kenn, Alexander	2,000	Primary	25 "	Eskdale - ditto	-	-	A	2,000	Residence imposed.
Kerr, John, jun.	500	ditto	23 "	Ramsbury - ditto	-	-	"	500	
Kinsey, Jonathan	100	ditto	3 March	Cornwallis - ditto	-	-	"	100	
Knowles, Thomas	300	ditto	8 "	Hill - ditto	-	-	"	300	
Knopwood, Robert	2,000	Additional	4 May	Bashan Plains -	-	-	C	2,000	Residence imposed.
Lucas, N.	400	ditto	15 Feb.	Little Hampton Parish	-	-	"	400	
Lucas, W.	400	ditto	15 "	ditto - ditto	-	-	"	400	
Lyford, James	1,900	ditto	15 "	Beverley - ditto	-	-	"	1,900	
Lawson, George	200	Primary	20 "	Unlocated -	-	-	A	200	Residence imposed.
Lord, David	1,300	Additional	20 "	{ Oatlands and Bris- } bane - Parish	-	-	C	-	
Lord, David	1,400	ditto	20 "	Sorell and Ulva ditto	-	-	"	2,700	
Lackey, Michael	500	ditto	20 "	Milton - ditto	-	-	"	500	
Lindsey, Henry	100	Primary	3 March	Brisbane - ditto	-	-	A	100	Residence imposed.
Lawrence, Robert	50	ditto	3 "	Dysart - ditto	-	-	"	-	
Lawrence, Robert	30	-	30 Jan.	Unlocated -	-	-	"	80	
Lawrence, William	2,000	Reserve	1 April	-	-	-	"	-	
Langton, B.	90	Primary	27 "	Breadalbane - ditto	-	-	"	90	Residence imposed.
Marshall, George	500	ditto	9 Jan.	Eastern Marshes -	-	-	"	500	
Margetts, Dr	400	Additional	9 Feb.	Drummond - Parish	-	-	A	400	
Morris, B.	200	Primary	13 "	Unlocated -	-	-	C	200	
Morrison, A.	200	ditto	13 "	Hobart - Parish	-	-	"	200	Residence imposed.
Mathews, John	60	ditto	13 "	Huntingdon - ditto	-	-	"	60	
Massey, Thomas	500	Additional	20 "	Trefsis - ditto	-	-	C	500	
M'Cabe, P.	100	Primary	28 "	Staffa - ditto	-	-	A	100	
Morris, J. S.	500	ditto	8 March	Kingboro' - ditto	-	-	"	500	Residence imposed.
Mulgrave, P. A.	1,200	ditto	12 "	Lymington - ditto	-	-	"	1,200	
Marzetti, J. F.	1,000	ditto	10 May	Sorell - ditto	-	-	"	1,000	
M'Nabb, A.	5	ditto	13 Feb.	-	-	-	-	-	
Nokes, Benjamin	200	ditto	6 Jan.	Drummond - ditto	-	-	"	200	Residence imposed.
Nicholls, Edward	200	ditto	12 "	Unlocated -	-	-	"	-	
Nelson, Mrs.	200	ditto	20 "	Huntingdon - ditto	-	-	"	200	
Notman, Robert	100	ditto	13 Feb.	Cambridge - ditto	-	-	"	100	
Nicholls, William	200	Additional	17 "	Clarence - ditto	-	-	C	200	Residence imposed.
Neill, James, jun.	500	ditto	1 April	Landsdowne - ditto	-	-	"	500	
Nicholls, George	200	Primary	28 "	Guilford - ditto	-	-	A	200	
Nasmith, J.	200	ditto	No date	Gibbs - ditto	-	-	"	200	
Orde, G. F.	300	ditto	19 Feb.	Unlocated -	-	-	"	-	Residence imposed.
Oakes, H. R.	2,000	ditto	21 April	{ Sligo, Durham and } Brisbane Parishes	-	-	"	2,000	
Ostler, William	2,000	ditto	10 May	Lymington - ditto	-	-	"	2,000	
Pitt, Samuel	300	ditto	20 Jan.	Green Ponds District -	-	-	"	300	
Pitt, Richard	300	Additional	28 "	River Clyde -	-	-	C	300	Residence imposed.
Penny, William	100	Primary	28 "	Drummond Parish -	-	-	A	100	

RETURNS RELATING TO SALES OF LANDS, AND GRANTS OR

RETURN of all LOCATIONS from 31 December 1823 to Lieutenant-Governor Arthur's Administration—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
			1824 :						
Paterson, Alexander -	720	Additional -	2 Feb. -	Drummond - Parish	-	-	C	720	
Paterson, John -	60	Primary -	13 " -	ditto - ditto	-	-	A	60	
Pearce, John -	400	ditto -	18 " -	New Norfolk - ditto	-	-	"	400	-- Since located to
Poucher, William -	100	ditto -	12 May -	Jervis - ditto	-	-	"	100	H. Crosswell.
Pevor, John -	200	Additional -	12 " -	Unlocated -	-	-	C	200	
Paul, John -	800	-	-	-	-	-	-	-	Not confirmed.
Ranken, James -	500	Additional -	30 Jan. -	Wincanton - ditto	-	-	"	500	
Robertson, Charles -	500	ditto -	2 Feb. -	Hobart - ditto	-	-	"	500	
Rand, George -	700	Primary -	3 " -	Stradbroke - ditto	-	-	A	700	
Robertson, James -	500	Additional -	3 " -	ditto - ditto	-	-	C	500	
Reid, G. F. -	830	ditto -	9 " -	Lawrenny - ditto	-	-	"	830	
Roberts, E. C. -	600	Primary -	13 " -	Strangford - ditto	-	-	A	600	
Ruffey, F. -	500	ditto -	13 " -	Lincoln - ditto	-	-	"	500	
Raynor, George -	360	Additional -	20 " -	Argyle - ditto	-	-	C	360	
Rowe, Ann -	1,200	Primary -	28 " -	Newick - ditto	-	-	A	1,200	
Roberts, J. L. -	300	ditto -	4 March -	South Esk River -	-	-	"	300	
Roberts, Peter -	-	-	2 April -	-	-	-	-	-	
Ruffey, W. J. -	500	Primary -	13 Feb. -	Lincoln - Parish	-	-	A	500	-- Vide P. Roberts, 3 May 1830.
Synnott, F. -	500	ditto -	30 Jan. -	Swan Port District -	-	-	"	500	
Sharland, John -	1,000	ditto -	30 " -	Guilford - Parish	-	-	"	1,000	
Steele, Lieutenant -	2,000	ditto -	6 Feb. -	Carlton - ditto	-	-	"	2,000	
Smith, Sarah -	40	Additional -	9 " -	Tea-tree Brush -	-	-	C	40	
Smith, John -	509	Primary -	20 " -	Breadalbane - Parish	-	-	A	500	
Sorell, Colonel -	900	Additional -	26 " -	Hamilton - ditto	-	-	C	-	Increase to 1,005.
Sorell, William -	1,005	Primary -	3 March -	ditto - ditto	-	-	A	1,005	
Smith, William -	300	ditto -	3 " -	Unlocated -	-	-	"	-	Void.
Stace, Thomas -	1,000	ditto -	8 " -	{ Salisbury and East- bourne Parishes - }	-	-	"	1,000	
Sharland, William -	400	ditto -	29 April -	Sorell - Parish	-	-	"	400	
Simpson, George -	1,500	ditto -	10 May -	Tierney - ditto	-	-	"	1,500	
Simpson, T. C. -	2,000	Additional -	11 " -	Lincoln - ditto	-	-	-	-	
Scott, Dr. James -	1,200	ditto -	11 " -	Vincent - ditto	-	-	-	-	
Sims, D. -	50	Primary -	5 March -	Dysart - ditto	-	-	A	50	
Thomas, Jocelyn -	2,000	ditto -	24 Feb. -	Eskdale - ditto	-	-	"	2,000	
	1,000	Reserve -	24 " -	Salisbury - ditto	-	-	"	-	
Turnbull, James -	300	Primary -	3 March -	Sorell - ditto	-	-	"	300	
Thompson, William -	600	ditto -	3 " -	Lennox - ditto	-	-	"	600	
Taylor, Andrew -	400	ditto -	26 " -	Cressy - ditto	-	-	"	400	
Thomas, J. B. -	500	ditto -	8 " -	Quamby's Brook -	-	-	"	500	
Thomas, B. W. -	500	ditto -	1 April -	Salisbury - Parish	-	-	"	500	
Thompson, George -	1,000	ditto -	13 May -	Rochford - ditto	-	-	"	1,000	
Vincent, John -	500	ditto -	20 Jan. -	Oatlands - ditto	-	-	"	500	
Walker, Abraham -	2,000	ditto -	9 " -	Cressy - ditto	-	-	"	2,000	
Walker, John -	200	ditto -	20 " -	Peel - ditto	-	-	"	-	
Willis, Richard -	2,000	ditto -	21 " -	{ Cambleton & Cleve- land Parishes - }	-	-	"	-	
Willis, Richard -	1,000	Reserve -	21 " -	Cambleton - Parish	-	-	C	3,000	
Wood, Adam -	500	-	30 " -	Unlocated -	-	-	-	-	Void.
Walton, James -	700	Primary -	30 " -	Somerton - Parish	-	-	A	700	
Wales, Thomas -	200	ditto -	2 Feb. -	Distillery Creek -	-	-	"	200	
Wales, Robert -	300	Additional -	15 April -	River Tamar -	-	-	C	300	
Wood, P. -	500	ditto -	2 Feb. -	Largo - Parish	-	-	"	500	
Ware, J ^b -	300	Primary -	3 " -	Fortescue - ditto	-	-	A	300	
Wellar, J. P. -	600	-	19 " -	Unlocated -	-	-	-	-	Void.
Worrall, Thomas -	100	Additional -	20 " -	Gibbs - Parish	-	-	C	100	
Wilde, John -	700	-	28 " -	Unlocated -	-	-	-	-	Void.
Wood, W. W. -	2,000	Primary -	28 " -	ditto -	-	-	-	-	Void.
Williams, W. H. -	60	ditto -	3 March -	ditto -	-	-	A	60	
Wells, Thomas -	100	ditto -	13 " -	Glenorchy - Parish	-	-	"	100	
Walker, John -	300	ditto -	13 " -	-	-	-	"	300	
Wright, Thomas -	1,000	ditto -	7 April -	Chatsworth - ditto	-	-	"	1,000	
Worthy, William -	500	ditto -	29 " -	Melville - ditto	-	-	"	500	
Wedge, E. D. -	2,000	ditto -	4 May -	Epping & Beverley ditto	-	-	"	2,000	
Wedge, J. H. -	1,500	ditto -	4 " -	Chichester - ditto	-	-	"	1,500	
Watson, Prideaux -	500	ditto -	8 " -	Hill - ditto	-	-	"	500	
Watts, John -	200	ditto -	10 " -	York - ditto	-	-	"	200	
Wilson, W. B. -	300	Additional -	11 " -	Hamilton - ditto	-	-	C	300	
Whitchurch, Wickham -	300	ditto -	12 " -	Dysart - ditto	-	-	"	300	
Youl, John, jun. -	500	Primary -	27 Feb. -	{ Salisbury and East- bourne Parishes - }	-	-	A	500	

SUMMARY:

Total Number of Acres under Letter	A	Acres.	Total Number of Acres under Letter	O	Acres.
Ditto - ditto -	B	12,350	Ditto - ditto -	P	2,180
Ditto - ditto -	C	7,640	Ditto - ditto -	Q	-
Ditto - ditto -	D	4,800	Ditto - ditto -	R	6,490
Ditto - ditto -	E	3,900	Ditto - ditto -	S	7,995
Ditto - ditto -	F	2,300	Ditto - ditto -	T	5,300
Ditto - ditto -	G	7,660	Ditto - ditto -	U	-
Ditto - ditto -	H	12,960	Ditto - ditto -	V	500
Ditto - ditto -	I	50	Ditto - ditto -	W	13,860
Ditto - ditto -	J	970	Ditto - ditto -	X	-
Ditto - ditto -	K	8,200	Ditto - ditto -	Y	500
Ditto - ditto -	L	6,370			
Ditto - ditto -	M	4,660			
Ditto - ditto -	N	1,600			
			Acres		120,165

(signed) George Frankland, Surveyor-General.

APPROPRIATIONS OF CROWN LANDS IN VAN DIEMEN'S LAND

9

RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor George Arthur.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Anderson, Daniel -	110	Primary -	10 Sept. 1824	Dysart - Parish	Regulations of -				
Abbott, Edw. sen.	3,000	Additional	10 May "	Glastonbury - ditto	5 Nov. 1823 -	{ 15s. per } { 100 acres }	A	110	
Abezo, Abraham -	50	Primary -	15 Sept. "	Winterton - ditto	1 Jan. 1826 -	2d. per acre	C	3,000	
Allanby, J. W. -	800	ditto -	14 Oct. "	Bath - ditto	5 Nov. 1823 -	{ 15s. per } { 100 acres }	A	50	Removed to Green [Ponds.
Arthur, Charles -	2,000	ditto -	1 Jan. 1825	Abergavenny - ditto	"	"	"	2,000	
Anstice, Edmund -	700	ditto -	15 Feb. "	Dulverston - ditto	"	"	"	700	
Archer, Thomas -	1,300	Additional	30 Mar. "	Brambra - ditto	"	"	C	-	Removed to Bathurst.
Appleton, Thomas	100	Primary -	11 May "	New Norfolk - ditto	"	"	A	100	
Abrahams, Thomas	300	Additional	12 May "	Lake River District	"	"	C	300	
Abbott, Charles -	700	ditto -	25 May "	Sorell District -	"	"	"	700	
Austin, James -	500	ditto -	25 May "	- ditto -	"	"	"	1,370	
Aldgate, Thomas -	40	Primary -	1 June "	Unlocated -	"	"	A	40	
Allen, John -	30	ditto -	6 Sept. "	Arundel - Parish	"	"	"	30	
Aitkin, James -	800	ditto -	8 Nov. "	Trefusis - ditto	"	"	"		
Addison, John -	500	ditto -	14 Dec. "	Great Swan Port -	"	"	"	500	
Axford, Thomas -	50	ditto -	17 Feb. 1826	Winterton - Parish	None -	2d. per acre	B	50	- - This man was district constable of the district where Brady the bush-ranger was captured.
Abel, W. sen. -	200	Additional	29 June 1825	Landsdowne - ditto	5 Nov. 1823 -	{ 15s. per } { 100 acres }	C	200	
Anstey, Thomas -	2,000	ditto -	11 Aug. 1826	Bath & Spring Hill do.	1 Jan. 1826 -	2d. per acre	"	2,000	
Amos, James -	320	Primary -	9 Sept. "	River Apsley -	"	"	B	320	
Allender, Uriah -	30	Additional	19 June "	Clarence Parish -	"	"	C	30	
Allen, John -	400	Primary -	20 Nov. "	Cygnat River -	"	"	B		
Allen, R. -	350	ditto -	11 Dec. "	Wye River -	"	"	"	350	
Adey, Stephen -	2,000	ditto -	26 Jan. 1827	Emu Bay -	"	"	"	2,000	
Abbott, Edw. sen.	210	ditto -	9 Feb. "	- - -	"	"	"	-	- - Cancelled per instructions from Secretary of State.
Ashburner, Wm. -	2,560	ditto -	9 Nov. "	Silwood - Parish	"	"	"		
Archer, Wm. sen.	2,560	ditto -	23 Nov. "	Westbury - ditto	"	"	"	2,560	
Adams, Henry -	320	ditto -	12 Jan. 1828	Brune Island -	{ 1 Jan. 1826 } { and residence }	"	"	320	
Aitkin, James -	600	Additional	27 Mar. "	South Esk River -	1 Jan. 1826 -	"	C		
Allardyce, Wm. -	800	ditto -	28 Mar. "	St. Patrick's Plains	"	"	"	800	
Allen, Jos. -	200	ditto -	27 Oct. "	Great Swan Port Dist	"	"	"	600	
Austin, James -	600	ditto -	- - -	Sorell - District	"	"	"		
Archer, Joseph -	2,000	Additional	27 Oct. "	Lake River District	5 Nov. 1823 -	{ 15s. per } { 100 acres }	C	-	{ - - To bear date 26 May 1824.
Anderson, James -	2,560	Primary -	6 Feb. 1829	Unlocated -	1 Jan. 1826 -	2d. per acre	B	-	{ - - Other special conditions now void.
Allen, George -	2,560	ditto -	27 Feb. "	Morven - District -	"	"	"	2,560	
Amos, Adam -	2,000	Additional	3 April "	Swan Port ditto -	"	"	C	2,000	
Allen, Jos. -	640	Primary -	18 June 1830	- ditto - ditto -	"	"	B	640	
Anley, William -	2,560	ditto -	5 June "	New Norfolk Parish	"	"	"	2,560	- - Other special conditions.
Atkinson, George -	320	ditto -	9 June "	George Town District	{ 1 Jan. 1826 } { and residence }	"	B	320	
Anson, Henry -	100	Additional	6 July "	Arundel Parish -	1 Jan. 1826 -	"	C	100	- - Other special conditions.
Anstey, George -	500	Primary -	31 July "	Dulverton ditto -	"	"	B	500	
Amos, John -	1,000	Additional	5 Jan. 1831	Swan Port District	"	"	C	1,000	
Ashburner, Wm. -	1,000	ditto -	13 Jan. "	Western - ditto -	"	"	"	3,560	
Atkins, Thomas -	320	Primary -	21 April "	Clarence - Parish	{ 1 Jan. 1826 } { and residence }	"	B	320	
Allanby, J. W. -	1,000	ditto -	27 April "	Sussex - ditto	1 Jan. 1826 -	"	"	1,000	
Armitage, George	1,000	Additional	7 May "	Strangford ditto	"	"	C	1,000	
Archer, Thomas -	500	ditto -	31 May "	Chichester&Eskdaleo.	"	"	"	1,800	
Adams, John -	640	Primary -	10 June "	Morven - District	{ 1 Jan. 1826 } { and residence }	"	B	640	
Amos, John -	320	ditto -	30 June "	Great Swan Port ditto	"	"	"	320	
Amos, James -	320	ditto -	30 June "	- ditto - ditto	"	"	"	320	- - Removed to Moulting Bay.
Amos, Adam, jun.	320	ditto -	30 June "	- ditto - ditto	"	"	"	320	Special conditions.
Archer, Joseph -	1,500	Additional	8 July "	Lake River - ditto	1 Jan. 1826 -	"	C	3,500	
Atkins, William -	50	Primary -	22 July "	Ralph's Bay Parish	"	"	B	50	
Arnott, Thomas -	30	ditto -	11 Nov. "	Clarence - ditto	5 Nov. 1823 -	{ 15s. per } { 100 acres }	A	30	To bear date 1823.
Austia, James -	270	Additional	11 Nov. "	Guilford - ditto	1 Jan. 1826 -	2d. per acre	C	1,370	
Archer, Wm. jun.	1,000	ditto -	22 Dec. "	Lake River District	"	"	"	1,000	
Arthur, Henry -	640	Primary -	14 Mar. 1832	- ditto - ditto	"	"	B	640	
Adams, W. C. -	2,000	ditto -	14 June "	Prosser's - ditto	{ 1 Jan. 1826 } { and residence }	"	"		
Atkins, T. & Co.	640	ditto -	21 Feb. 1833	Not yet located -	1 Jan. 1826 -	free -	D	320	- - Compensation for losses.
Allport, Joseph -	1,200	ditto -	8 July "	Moulting Bay -	"	2d. per acre	B	1,200	
Anderson, Mrs. -	1,000	ditto -	24 Sept. "	Great Forester's River	{ 1 Jan. 1826 } { and residence }	"	"	1,000	
Anderson, Andrew	800	ditto -	24 Sept. "	Unlocated -	"	"	"	800	
Anderson, James -	800	ditto -	24 Sept. "	Great Forester's River	"	"	"	800	
Aitkin, James -	1,000	Reserve -	11 July "	Cleveland Parish -	1 Jan. 1826 -	"	C	2,400	- - (1,000, subject to firmation.)
Bonney, James -	60	Primary -	7 Sept. 1824	Morven District -	5 Nov. 1823 -	{ 15s. per } { 100 acres }	A		
Bryan, William -	1,000	Additional	7 Sept. "	Quamby - Parish	"	"	C		
Boney, Thomas -	60	Primary -	7 Sept. "	Ulva - ditto	"	"	A		
Bonney, John -	60	ditto -	25 Sept. "	Norfolk Plains District	"	"	"		
Bonney, Henry -	60	ditto -	25 Sept. "	Unlocated -	"	"	"		
Burrell, Thomas -	60	Additional	5 Oct. "	ditto -	"	"	C	60	
Burn, George -	1,000	Primary -	5 Oct. "	Rochford Parish -	"	"	A		
Butcher, Solomon	100	ditto -	3 Nov. "	Unlocated -	"	"	"	100	
Billett, William -	60	ditto -	6 Nov. "	ditto -	"	"	"		
Billett, Jacob -	60	ditto -	6 Nov. "	Gloster - Parish	"	"	"	60	
Broadribb, W. A. -	260	Additional	22 Nov. "	Hill - ditto	"	"	C		
Bisdee, John -	300	ditto -	1 Dec. "	Green Ponds District	"	"	"		
Baynton, Henry -	300	Primary -	24 Dec. "	Lennox - ditto	"	"	A	300	
Bateman, Henry -	100	ditto -	24 Jan. 1825	Morven - ditto	"	"	"	100	
Boney, Joseph -	170	Additional	4 Feb. "	ditto - ditto	"	"	C		
Brown, W. H. -	240	Primary -	4 Feb. "	Meander River -	"	"	A	240	

(continued.)

RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor *George Arthur*—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Blower, James	30	Primary	4 Feb. 1825	Norfolk Plains District	Regulations of—	{ 15 s. per 100 acres }	A	30	
Bradbury, Sarah	300	ditto	7 Feb. "	Macquarie - ditto	5 Nov. 1823 -	"	"	300	
Brady, Bryan	30	ditto	7 Feb. "	Clarence Parish	"	"	"	30	
Bayley, William	50	ditto	7 Feb. "	Not located	"	"	"	50	
Bramby, William	100	Additional	7 Feb. "	Cressy Parish	"	"	C		
Bostock, Robert	3,750	Primary	8 Jan. "	{ Trepsis Parish and Western District }	"	"	A	-	- - Compensation for Treasury House.
Batten, Henry	300	ditto	12 Feb. "	Strangford Parish	"	"	"	300	
Browning, James	100	ditto	26 Feb. "	River Ouse	"	"	"	100	
Bowler, Joseph	30	ditto	8 March "	Unlocated	"	"	"	-	Void.
Bell, John	50	Additional	10 March "	New Norfolk District	"	"	C		
Bethune, W. A.	1,000	Reserve	7 May "	Sutherland - Parish	"	"	"	-	Reserve.
Barry, Agnes E.	200	Primary	9 May "	Glenarchy - ditto	"	"	A	200	
Bell, J. W.	200	ditto	25 May "	Norfolk Plains	"	"	"	200	
Bishop, William	100	ditto	1 June "	Jarvis - District	"	"	"	100	
Broe, Stephen	30	Additional	1 June "	Launceston ditto	"	"	C	30	
Bramby, James	50	ditto	2 July "	Norfolk Plains ditto	"	"	"	50	
Buscombe, J. K.	100	Primary	4 July "	Fortescue Parish	"	"	A	100	
Barclay, Andrew	500	Additional	12 July "	Breadalbane District	"	"	C		
Brugh, Thomas	700	Primary	13 June "	Bathurst ditto	"	"	A	700	
Burn, James	30	ditto	6 Sept. "	Launceston ditto	"	"	"	30	
Bell, Frederick	2,000	ditto	24 Sept. "	Sorell ditto	"	"	"	2,000	
Burne, James	60	Additional	6 Sept. "	Pelham Parish	"	"	C		
Butler, G.	1,000	Primary	6 Sept. "	River Meander	"	"	A		
Broadribb, W.	60	ditto	21 Sept. "	Huntingdon Parish	"	"	"		
Buchanan, P.	100	ditto	13 Oct. "	Unlocated	"	"	"		
Bayles, H.	30	ditto	5 Nov. "	Ditto	"	"	"		
Beckford, J. L.	500	ditto	7 Nov. "	River Tamar	"	"	"		
Bryant, Francis	1,500	ditto	15 Nov. "	Brumbys Rivulet	"	"	"	1,500	
Burns, Jacob	270	Additional	16 Dec. "	Guilford Parish	"	"	C		
Brennan, James	150	ditto	21 Jan. 1826	Lake River District	1 Jan. 1826	2d. per acre	"	150	
Blyth, Gilbert	100	Primary	8 March "	Kingboro' - Parish	"	"	B		
Berry, Andrew	50	ditto	May "	Ralph's Bay ditto	"	"	"	-	Reserve confirmed.
Bisdee, John	400	Additional	11 April "	Green Ponds District	"	"	C		
Brand, Robert	100	Primary	12 April "	River Meander	"	"	B		
Braithwaite, N.	200	ditto	22 May "	Western River	"	"	"		
Bartley, Theod.	500	Additional	5 July "	Breadalbane - Parish	"	"	C		
Beresford, Joseph	300	ditto	17 July "	Stradbroke - ditto	"	"	"		
Bryant, James	800	ditto	25 Aug. "	Winterton - ditto	"	{ 5 p. cent. ad valorem }	"		
Bryant, Edward	700	ditto	25 Aug. "	Eastern Marshes	"	"	"		
Barnes, Francis	50	ditto	20 July "	- - -	"	2d. per acre	"		
Braithwaite, N.	165	ditto	9 Sept. "	Western River	"	"	"		
Balfour, Col.	2,000	Primary	14 Nov. "	Brisbane - Parish	"	"	B		
Bye, Henry	300	ditto	24 Nov. "	Hobart - ditto	{ Prior to Nov. 1823 - }	{ 2s. per 100 acres }	A		
Bayles, John	500	Additional	24 Nov. "	Chatsworth ditto	5 Nov. 1823	{ 15s. per 100 acres }	C		
Bayley, C. J.	1,000	Primary	13 Mar. 1827	Methven District	1 Jan. 1826	2d. per acre	B	-	Residence stipulated.
Bingham, John	14½	{ In completion of Primary }	24 May "	Forcett - Parish	{ Prior to Nov. 1823 - }	{ 2s. per 100 acres }	A	14½	
Beamont, John	1,000	Additional	5 May "	Sligo - ditto	"	"	C	1,000	
Bayles, James	500	Primary	5 May "	Abercromby ditto	1 Jan. 1826	2d. per acre	B	500	
Bell, John	2,000	ditto	26 June "	{ Milton and Pakenham Parishes }	"	"	B		
Bisdee, Edward	700	ditto	14 July "	Methven District	"	"	"		
Bignell, William	500	ditto	15 Aug. "	Staffa - Parish	"	"	"	500	
Burnett, John	2,560	ditto	9 Nov. "	Eastbourne ditto	"	"	"	2,560	
Barr, Robert	1,000	Additional	3 Dec. "	Grantham - ditto	"	"	C	1,000	
Bates, Michael	700	Primary	8 Dec. "	Break o' day District	"	"	B		
Broadribb, W. A.	500	ditto	28 Nov. "	Launceston - Parish	{ 1 Jan. 1826 and residence }	"	"	760	- - Compensation for road.
Brown, G. W.	400	ditto	8 Jan. 1828	River Meander	1 Jan. 1826	"	"	400	
Burns, David	1,200	ditto	11 Feb. "	Eldon - Parish	{ 1 Jan. 1826 and residence }	"	"	1,200	
Bartley, Theod.	500	Additional	26 Feb. "	Breadalbane ditto	{ 1 Jan. 1826 and overseer }	"	C	1,000	
Baker, Charles	320	Primary	26 March "	New Norfolk ditto	1 Jan. 1826	"	B	320	
Brock, H. G.	2,000	ditto	28 March "	St. Paul's River	"	"	"	2,000	
Bisdee, John	1,560	Additional	16 July "	Winterton - Parish	"	"	C		- - Subject to special conditions.
Bennett, P.	500	Primary	16 July "	Cornwallis - ditto	"	"	B	500	
Bonney, Joseph	1,280	Additional	16 July "	Morven District	"	"	C	1,450	
Batman, John	1,000	ditto	16 July "	St. Aubin - Parish	"	"	"		
Burn, George	1,000	ditto	16 July "	Rochford - ditto	"	"	"	2,000	
Bethune, W. A.	1,000	{ Reserve confirmed }	29 Aug. "	Sutherland - ditto	"	"	"		
Badley, Elizabeth	2,000	Primary	6 Aug. "	Milton - ditto	"	"	B	2,000	- - Subject to special conditions.
Brodie, J. S.	800	ditto	30 Aug. "	Western - ditto	"	"	"	800	
Bunster, William	2,060	ditto	18 Sept. "	Durham - ditto	"	"	"	2,060	
Bird, Samuel	18	Additional	3 Oct. "	Glenorchy - ditto	"	"	C	18	
Burnett, T.	100	ditto	7 Oct. "	Launceston - ditto	{ 1 Jan. 1826 and residence }	"	"	100	
Bryant, James	1,000	ditto	27 Oct. "	{ Winterton and Spring Hill ditto }	1 Jan. 1826	"	"	1,800	
Bryant, Edmund	1,000	ditto	27 Oct. "	Bandon - ditto	"	"	"	1,700	
Buxton, Thomas	780	ditto	13 Dec. "	Little SwanPort ditto	"	"	"	780	
Bryan, William	1,000	ditto	28 Dec. "	Western - District	"	"	"		
Bisdee, Edward	500	ditto	2 Jan. 1829	Cornwallis - Parish	"	"	"		
Bisdee, Edward	800	ditto	2 Jan. "	Cornwall - ditto	"	"	"	2,000	
Briggs, John	2,000	ditto	27 March "	Trepis - ditto	"	"	"	2,000	
Bonney, Henry	500	ditto	3 April "	Western River	"	"	"	560	

APPROPRIATIONS OF CROWN LANDS IN VAN DIEMEN'S LAND.

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RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor George Arthur—continued.

NAME S.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Burgess, William -	1,000	Primary -	20 Apr. 1829	Western River -	Regulations of— { 1 Jan. 1826 } and residence	2d. per acre	B	1,000	
Boucher, John -	640	ditto -	20 Apr. "	Lobster Rivulet -	{ 1 Jan. 1826 } and residence	"	"	640	
Barns, Francis -	100	Additional	20 Apr. "	Ralph's Bay Parish	6 Nov. 1823 -	{ 15 s. per } 100 acres	C		
Ball, Henry -	800	Primary -	22 Apr. "	Long Plain -	1 Jan. 1826 -	2d. per acre	B	800	
Bonnily, William -	640	ditto -	25 Apr. "	Bathurst District -	{ 1 Jan. 1826 } and residence	"	"	640	
Brumby, William -	640	Additional	1 May "	Western River -	1 Jan. 1826 -	"	C	740	
Billett, William -	320	Primary -	9 May "	Sorell Parish -	{ 1 Jan. 1826 } and residence	"	B	380	
Beams, Martha -	320	ditto -	9 June "	Western District -	1 Jan. 1826 -	"	"	320	
Bonney, Christ ^r -	320	ditto -	5 June "	Ulva Parish -	"	"	"	320	
Basham, William -	260	Additional	29 June "	River Tamar -	"	"	C	260	
Barnes, William -	2,000	ditto -	30 June "	River South Esk -	"	"	"	2,000	
Barker, Richard -	1,560	ditto -	11 July "	Landsdowne - Parish	"	"	"	1,560	
Bates, Michael -	300	ditto -	20 July "	Break o' day District	"	"	"	1,000	
Bonney, John -	320	ditto -	21 July "	Meander River -	"	"	"	380	
Bonney, Thomas -	200	ditto -	8 Aug. "	Drummond - Parish	"	"	"	260	
Burns, Jac. -	1,000	ditto -	22 Aug. "	Guilford - ditto	"	"	"	1,270	
Bostock, Robert -	1,000	ditto -	1 Oct. "	Cleveland - ditto	"	"	"	4,750	
Betts, Thomas -	2,560	Primary -	10 Oct. "	Hartington ditto	"	"	B	2,560	- - Subject to special conditions.
Boyes, G. T. W. B.	2,560	ditto -	16 Oct. "	Western Creek -	"	"	"	2,560	
Broadribb, J. E., jr	320	Additional	20 Oct. "	Winterton Parish -	{ 1 Jan. 1826 } and residence	"	C	-	- - Removed to Methven District.
Beckford, J. L. -	300	ditto -	24 Oct. "	River Tamar -	1 Jan. 1826 -	"	"	800	
Bunkier, Alexander	2,560	Primary -	8 Dec. "	River Nile -	"	"	B	2,560	
Blinkworth, J. E.	220	Additional	13 Feb. 1830	Ormaig - Parish	"	"	C	220	
Baynton, James -	200	ditto -	11 Mar. "	Kingboro' - ditto	"	"	"	200	
Butler, Gam ^t -	1,000	ditto -	26 Apr. "	Western District -	"	"	"	2,000	
Burnett, Thomas, s ^r	100	ditto -	27 Apr. "	Launceston - Parish	"	"	"	100	
Barnes, William -	10	Primary -	24 May "	Ralph's Bay - ditto	"	"	B	10	- - To comprise improvements.
Bell, John -	100	Additional	9 June "	Arundel - ditto	"	"	C	150	
Broadribb, William	100	ditto -	17 June "	Unlocated -	"	"	"	160	
Bunker, M. A. -	100	Primary -	17 June "	Hartington - Parish	{ 1 Jan. 1826 } and residence	"	B	100	Residence imposed.
Barclay, A. -	1,600	Additional	13 July "	Morven District -	1 Jan. 1826	"	C	2,100	
Bell, John -	554	ditto -	17 Aug. "	Milton Parish -	"	"	"		
Bridger, Henry -	320	Primary -	23 Aug. "	New Norfolk District	{ 1 Jan. 1826 } and residence	"	B	320	[alienation.
Birch, Samuel -	350	ditto -	8 Sept. "	Hartington - Parish	"	"	"	350	- - Exempt from non-
Batman, John -	2,000	Additional	10 Sept. "	Eldon - ditto	1 Jan. 1826 -	"	"	3,000	- - Quit rent fees on
Beveridge, Adam -	1,500	Primary -	11 Sept. "	George Town -	"	"	"	1,500	an original grant.
Bill, Black -	100	ditto -	14 Sept. "	Morven - District	"	"	"	100	- - (One of the Abo-
Bryant, Dr. Ja ^s -	1,000	ditto -	15 Sept. "	Lake River - ditto	"	"	"	1,000	rigines.)
Burns, James -	100	Additional	22 Dec. "	Pelham - Parish	"	"	C	160	
Bisdee, John -	1,000	ditto -	8 Feb. 1831	Spring Hill ditto	"	"	"		
Berry, Andrew -	50	ditto -	15 Feb. "	Ralph's Bay ditto	{ 1 Jan. 1826 } and residence	"	"	100	
Bell, John -	440	ditto -	10 Mar. "	Pakenham - ditto	1 Jan. 1826 -	"	"	2,994	
Bolger, M. A. -	1,000	Primary -	11 Mar. "	Morven - District	"	"	B	1,000	
Brown, Thomas -	320	ditto -	11 Apr. "	Exmouth - ditto	{ 1 Jan. 1826 } and residence	"	"	320	
Buchanan, Alex ^r -	1,000	ditto -	27 Apr. "	Unlocated -	1 Jan. 1826 -	"	"	1,000	
Browne, Thomas -	320	ditto -	30 Apr. "	York Parish -	{ 1 Jan. 1826 } and residence	"	"	320	
Bamber, John -	500	ditto -	30 Apr. "	Lake River -	"	"	"	500	
Bateman, J. R. -	640	ditto -	7 May "	Brune Island -	"	"	"	640	
Brown, W. C. -	2,560	ditto -	25 May "	Hobart Parish -	1 Jan. 1826 -	"	"	2,560	
Ball, H. G. -	320	ditto -	31 May "	Western Creek -	{ 1 Jan. 1826 } and residence	"	"	320	
Bowden, Joseph -	1,280	ditto -	30 June "	York - - Parish	{ 1 Jan. 1826 } and overseer	"	"	1,280	- - Special conditions imposed.
Bennett, Brian -	100	ditto -	18 July "	Abergaeenny ditto	1 Jan. 1826 -	"	"	100	
Burn, David -	640	ditto -	28 July "	Guilford - ditto	"	"	"	640	
Boulton, Edwin -	700	Additional	12 Aug. "	Bathurst District -	"	"	C	700	
Buchanan, John -	500	Primary -	21 Oct. "	{ Melville and Perth } Parish - -	{ 1 Jan. 1826 } and residence	"	B	500	
Best, John -	320	ditto -	11 Nov. "	Henry - Parish	1 Jan. 1826 -	"	"	320	
Beauvais, L. -	1,920	ditto -	21 Nov. "	St. Aubyn - ditto	"	"	"	1,920	
Bonney, James -	400	Additional	11 Nov. "	Yarlington ditto	"	"	C	460	
Bryan, William -	1,000	ditto -	11 Nov. "	Western District -	"	"	"	3,000	
Ballantyne, D. -	1,000	ditto -	8 Dec. "	Wincanton - Parish	"	"	"	1,000	
Barnes, Francis -	200	ditto -	22 Dec. "	Ralph's Bay ditto	"	"	"	350	
Bates, Thomas -	640	Primary -	18 Apr. "	Break o' day District	"	"	B	640	
Bayles, John -	560	Additional	6 Apr. "	Lennox - ditto	"	"	C	1,060	
Burnley, John -	1,280	Primary -	21 June "	Morven - ditto	"	"	B	1,280	
Ball, G. P. -	2,560	ditto -	23 Apr. 1833	Kearney's Bogs -	"	"	"	2,560	
Betts, Alfred -	640	ditto -	8 July "	Norwich Parish -	"	"	"	640	
Betts, Alfred -	2,560	ditto -	16 Oct. "	George's River -	"	"	"	2,560	
Bisdee, John -	1,000	ditto -	28 Oct. "	Winterton - Parish	"	free	D	4,260	- - Compensation for building ground.
Butcher, J. H. -	640	Additional	2 Jan. 1834	Eldon - - ditto	"	"	D	640	
Bilton, Henry -	2,560	Primary -	9 May 1829	York - - ditto	"	2d. per acre	B	2,560	Special conditions.
Clarke, William -	2,000	ditto -	4 June 1824	Amherst - Parish	5 Nov. 1823 -	free	D	-	- - Service of 20 years in the army.
Carretts, J. C. -	80	ditto -	3 Sept. "	Unlocated - ditto	"	{ 15 s. per } 100 acres	A	80	
Cummings, J. C. -	500	Additional	10 Sept. "	Little Swan Port -	"	"	C	-	Confirmed reserve.
Compton, R. A. -	500	Primary -	4 Jan. 1825	Adelphi Parish -	"	"	A	500	
Clayton, Henry -	200	Additional	4 Jan. "	{ Norfolk Plains } District -	"	"	C		

(continued.)

RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor *George Arthur*—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Collins, George	100	Primary	4 Jan. 1825	Unlocated	Regulations of— 5 Nov. 1823	{15 s. per 100 acres}	A		
Cain, Patrick	60	ditto	4 Jan. "	Launceston - Parish	"	"	"	60	
Cummings, George	100	ditto	7 Jan. "	Morven - ditto	"	"	"	100	
Chapman, Isaac	200	Additional	12 Jan. "	Argyll - District	"	"	C	200	
Carns, Robert	2,000	Primary	14 Jan. "	Lake River ditto	"	"	A	2,000	
Collins, Mrs. C.	300	Additional	15 March "	Bandon Parish	"	"	C	300	
Cottrell, Anthony	650	Primary	10 March "	Morven District	"	"	A		
Cruttenden, Thomas	500	ditto	18 April "	Prosser's Plains	"	"	"		
Cox, Samuel	60	Additional	18 April "	Breadalbane Parish	"	"	C		
Comb, William	300	"	2 May "	"	"	"	"		Void.
Champion, E. E.	500	Primary	1 June "	Cleveland - ditto	"	"	A	500	
Corroll, Benjamin	40	ditto	1 June "	Wallace - ditto	"	"	"	40	
Curry, Hugh	50	ditto	1 June "	Unlocated	"	"	"	50	
Cameron, D.	500	Additional	11 June "	Deddington Parish	"	"	C		
Cox, E. C. H.	150	ditto	25 June "	Drummond ditto	"	"	"	150	
Crowther, William	800	Primary	4 July "	Macquarie District	"	"	A	800	
Cassidy, John	200	Additional	8 July "	Cornwallis Parish	"	"	C		
Count, Francis	100	Primary	15 July "	Wellington - ditto	"	"	A	100	
Clitheroe, Thomas	350	ditto	26 Sep. "	Ormaig - ditto	"	"	"	350	
Claiborne, Richard	1,200	ditto	18 Sep. 1826	Port Sorell -	1 Jan. 1826	2 d. per acre	B		
Collegiate, Cornw ^{ce}	50	ditto	11 Oct. "	Unlocated	"	"	"	50	
Cawthorn, J. H.	100	Additional	7 Nov. "	Grafton - Parish	"	"	C		- - For apprehending
Clarke, John	1,000	Primary	22 Feb. 1827	Beaufort - ditto	"	"	B		bushranger.
Cooling, W. F.	2,000	ditto	28 Feb. "	Cambridge - ditto	{Naval Regula- tions -}	"	B	2,000	
Clarke, James	800	ditto	4 April "	Beaufort - ditto	1 Jan. 1826	"	"		Residence enjoined.
Crawley, F. S.	1,000	ditto	30 April "	Morven - District	"	"	"	1,000	
Clementson, Edw ^d	500	ditto	25 April "	Kingboro' - Parish	"	"	"	500	
Campbell, Alexander	320	ditto	17 Oct. "	Opoca - ditto	"	"	"	320	Residence enjoined.
Cameron, D.	1,067	Additional	8 Nov. "	Westbury - ditto	{Free from non- alienation condition -}	"	C	1,567	- - Part payment for a house.
Castle, Joseph	500	Primary	3 Dec. "	Oyster Bay -	{1 Jan. 1826 and residence -}	"	B	500	
Cummings, J. C.	500	Additional	11 Jan. 1828	"	1 Jan. 1826	"	C	500	Special conditions.
Connolly, Michael	1,000	Primary	11 Feb. "	Morven District -	"	"	B	1,000	
Corney, Robert	1,000	Additional	16 July "	Tierney - Parish	"	"	C	1,000	
Crombie, A.	2,560	Primary	16 July "	Clarence - ditto	"	"	B	2,560	
Cooke, Gabriel	2,560	ditto	18 Aug. "	Launceston ditto	"	"	"	2,560	
Coombe, S.	1,000	ditto	27 Aug. "	Eastern Marshes -	"	"	"	1,000	
Cowie, R., jun.	1,200	ditto	29 Aug. "	Bathurst District -	"	"	"		
Cruttenden, T.	500	Additional	24 Sept. "	Prosser's Plains	"	"	C	1,000	
Connell, John	320	Primary	9 Oct. "	Abercomby Parish	"	"	B		
Cawthorne, J. H.	1,000	Additional	6 Nov. "	Grafton - ditto	"	"	C	1,100	
Clarke, G. C.	1,000	ditto	27 Oct. "	Eldon - ditto	"	"	"	1,100	
Counsel, Andrew	300	ditto	19 Nov. "	Canning - ditto	"	"	"	300	
Campbell, Colin	500	ditto	26 Dec. "	River Tamar -	"	"	"	500	- - Overseer to reside on same.
Cordell, Joseph	20	Primary	30 Jan. 1829	ditto -	"	"	B		Residence enjoined.
Craig, George	640	ditto	9 Feb. "	Not located -	"	"	"	640	
Clark, William	2,000	Additional	3 April "	St. Alban's Parish	"	"	C	4,000	
Coulson, George	350	ditto	16 April "	River Tamer -	"	"	"	350	
Clarke, Hugh	1,000	Primary	13 April "	Eldon Parish -	"	"	B	1,000	Residence enjoined.
Carolan, Patrick	640	ditto	25 April "	River Meander -	"	"	"	640	ditto ditto.
Coggins, Hugh	320	ditto	23 April "	Coal River -	"	"	"	320	ditto ditto.
Conway, D. B.	2,560	ditto	8 May "	Unlocated - (Void)	"	"	"		Special conditions.
Curry, William	320	ditto	27 May "	Forcett - Parish	"	"	"	320	Residence enjoined.
Cotton, Francis	750	ditto	17 June "	Oyster Bay -	"	"	"		
Clarke, Mrs.	1,000	ditto	22 June "	Launceston Parish	"	"	"	1,000	
Crear, James	1,860	Additional	30 June "	Epping - ditto	"	"	C	1,860	
Cavill, Abraham	320	Primary	12 Oct. "	Cleveland - ditto	"	"	B	320	ditto ditto.
Cryl, Thomas	1,000	ditto	24 Oct. "	River Meander -	"	"	"	1,000	ditto ditto.
Campbell, Neill	500	ditto	28 Dec. "	ditto -	"	"	"	500	ditto ditto.
Clarke, W. J. T.	2,000	ditto	20 Jan. 1830	Richmond District -	"	"	"	2,000	Overseer ditto.
Cassidy, John	200	Additional	21 Jan. "	Jervis Parish -	"	"	C	400	
Cowie, R., jun.	800	ditto	5 March "	St. Paul's District -	"	"	"	2,000	
Cox, Francis, jun.	320	ditto	27 March "	Melville - Parish	"	"	"	320	
Cox, James	2,000	ditto	26 March "	Beverley - ditto	5 Nov 1823	{15 s. per 100 acres}	"	2,000	
Cox, Fain	100	Primary	27 March "	Melville - ditto	1 Jan. 1826	2 d. per acre	B	100	- - For apprehending bushrangers.
Clayton, Henry	500	Additional	7 June "	Lake River -	"	"	C		
Cotton, Francis	750	ditto	21 June "	Swan Port -	"	"	"	1,500	
Clayton, Henry	500	ditto	21 June "	Lake River District	{Conditions on an original grant, 2 s. per 100 acres -}	2 s. per 100 acres}	A	1,200	
Champion & Charlton	1,500	Primary	29 June "	Morven - ditto	ditto - ditto -	"	"		
Crocker, John	500	ditto	1 July "	East Bay -	1 Jan. 1826	2 d. per acre	B	500	Residence enjoined.
Campbell, M.	320	ditto	13 July "	Meander - District	"	"	"	320	ditto ditto.
Clarke, James	200	Additional	7 Aug. "	Sorell - ditto	"	"	C	1,000	
Christie, John	320	Primary	7 Aug. "	Morven - ditto	"	"	B	320	
Crook, John	100	ditto	14 Sept. "	Malvern - Parish	"	"	"	100	
Clarke, Richard	100	Additional	14 Sept. "	Breadalbane ditto	"	"	C	100	Residence enjoined.
Cox, Samuel	320	ditto	6 Jan. 1831	Peel - ditto	"	"	B	380	- - On the conditions of an original grant.
Crocker, Richard	320	Primary	13 Jan. "	Prosser's Plains -	"	"	"	320	Residence enjoined.
Cope, John	1,000	ditto	17 Jan. "	Kingboro' - Parish	"	"	"	1,000	
Claiborne, R. B.	1,000	Additional	1 Feb. "	Epping - ditto	"	"	C	2,200	
Campbell, James	100	ditto	25 Feb. "	Melville - ditto	"	"	"	1,000	Residence enjoined.
Cordey, Richard	320	Primary	25 March "	George Town -	"	"	B	320	ditto ditto.
Combe, William	500	Additional	20 April "	Eldon - Parish	"	"	C	500	ditto ditto.
Chaplin, Edward	320	Primary	21 April "	Pelham - ditto	"	"	B	320	ditto ditto.
Cleland, William	2,560	ditto	20 May "	Macquarie District -	"	"	"	2,560	

APPROPRIATIONS OF CROWN LANDS IN VAN DIEMEN'S LAND.

RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor *George Arthur*—continued.

NAMES.	No of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Cassidy, Hugh -	640	Additional	25 May 1831	Cornwallis - Parish	Regulations of—				
Cordell, Joseph -	80	ditto -	31 May "	George Town -	1 Jan. 1826	2d per acre	C	640	- - Removed to Grafton district.
Collings, George -	500	ditto -	11 June "	Morven District -	"	"	"	100	
Connell, John -	360	ditto -	30 June "	Abercromby Parish	"	"	"	600	
Cogle, C. M. -	400	ditto -	12 July "	York - - ditto	"	"	"	680	
Campbell, Duncan	1,000	Primary -	18 July "	Richmond - ditto	"	"	"	400	Residence enjoined.
Crisp, John -	1,000	ditto -	28 July "	George Town -	"	"	B	1,000	ditto - ditto.
Clarke, Alexander	1,000	Additional	27 Oct. "	Western District -	"	"	"	1,000	ditto - ditto.
Conolly, P. -	1,280	Primary -	11 Nov. "	Unlocated - -	"	"	C	1,000	- - On conditions of an original grant.
Cotter, B. -	640	ditto -	11 Nov. "	Salisbury - Parish	"	"	"	1,280	
Clarke, John	500	Additional	20 Jan. 1832	Beaufort - ditto	"	"	B	640	
Chapman, J. E. -	400	Primary -	8 July 1833	Unlocated - -	"	"	C	1,500	
Cottrell, Antony -	700	Additional	23 May 1834	ditto - - -	"	"	B	400	
							C	1,350	- - Free of restrictions (quit rent excepted.)
Drummond, James	500	Primary -	5 June 1824	Ormaig Parish -	5 Nov. 1823	{ 15 s. per } { 100 acres }	A	500	
Dickenson, John -	40	ditto -	7 Feb. 1825	Morven - District	"	"	"	40	
Daly, Timothy -	100	ditto -	7 Feb. "	Launceston ditto	"	"	"		
Dore, George -	30	ditto -	7 Feb. "	Unlocated - -	"	"	"	30	
De Gillern, William	2,000	Additional	21 May "	Bathurst - District	{ Prior to 5 Nov. } 1823 -	{ 2 s. per } { 100 acres }	C		
Drant, William -	100	Primary -	24 March "	Tamar - ditto	5 Nov. 1823 -	15 s. ditto	A	100	
Dogherty, Terence	40	ditto -	11 May "	Staffa - - ditto	"	"	"	40	
Davis, Oscar -	200	ditto -	23 Sept. "	Sorell - - ditto	"	"	"		- - Remuneration for services.
Dean, William -	1,000	ditto -	19 Nov. "	Strangford - ditto	"	"	"	1,000	
Dudgeon, Peter -	1,500	ditto -	7 Dec. "	Durham - Parish	"	"	"	1,500	
Davis, Oscar -	150	Additional	8 Mar. 1826	New Norfolk ditto	1 Jan. 1826	2d. per acre	C	350	- - Apprehending bush-ranger.
Darke, J. C. -	500	Primary -	18 April "	Morven - ditto	"	"	B		
Dryden, Edward -	150	Additional	22 May "	Perth - - ditto	"	"	C	150	
Duggin, Arthur -	250	Primary -	30 May "	Richmond - ditto	"	"	B		Free of non-alienation.
Drummond, Alex.	320	ditto -	23 Sept. "	Launceston ditto	"	"	"	320	
Davey, James -	50	Additional	16 Nov. "	Longford - ditto	5 Nov. 1823	{ 15 s. per } { 100 acres }	C	50	- - To bear date 5 Nov. 1823.
D'Arcy, John -	1,000	Primary -	29 Dec. "	Unlocated - -	1 Jan. 1826	2d. per acre	B	1,000	Residence enjoined.
Davidson, W. C. -	800	ditto -	22 Feb. 1827	Rutland - Parish	"	"	"		
Dryden, Thomas -	320	ditto -	12 Jan. 1828	Breadalbane ditto	"	"	"		
Doran, John -	320	ditto -	2 Feb. "	Wellington - ditto	"	"	"		
Dickenson, John -	320	ditto -	11 Feb. "	Gibbs - - ditto	"	"	"	320	ditto - ditto.
Darke, John -	1,500	ditto -	26 Feb. "	Uplands - ditto	"	"	"	1,500	ditto - ditto.
Dumaresque, Edward	2,560	ditto -	9 Feb. "	Carrick - ditto	{ Military regu- } lations -	"	"	2,560	
Dalrymple, P. -	500	Additional	16 July "	Launceston - ditto	1 Jan. 1826	"	C		
Dyball, T. C. -	1,500	Primary -	9 Oct. "	Breadalbane ditto	{ Military regu- } lations -	free -	D		
Duffey, Patrick -	320	ditto -	16 Dec. "	Swan Port - -	1 Jan. 1826	2d. per acre	B		Residence enjoined.
Diprose, Thomas -	140	Additional	7 Jan. 1829	Cleveland - Parish	"	"	C	140	
Darby, Robert -	320	Primary -	19 Feb. "	Dalverton - ditto	"	"	B	320	
Davies, Arthur -	2,560	ditto -	2 March "	{ Melville and Arun- } del Parish - -	{ Military regu- } lations -	"	"	2,560	
Denholm, Alexander	320	ditto -	5 March "	Winterton - Parish	1 Jan. 1826	"	"	320	Overseer enjoined.
Downard, Richard	25	Additional	23 March "	Sorell - - District	"	"	C		
Dawson, Samuel R.	2,560	Primary -	14 May 1829	Ormaig - ditto	"	"	B	2,560	
Doctor, Robert -	500	ditto -	27 May "	Great Swan Port ditto	"	"	"	500	Residence enjoined.
Davidson, Robert -	1,000	Additional	16 May "	Cornwallis - Parish	"	"	C	1,000	
Dyball, T. C. -	1,000	ditto -	12 May "	Breadalbane ditto	{ Military regu- } lations -	"	"	2,500	
Donahoo, Thomas	2,560	Primary -	26 Nov. "	Sandspit - -	"	free -	D	2,560	ditto - ditto.
Dowling, Charles -	100	Additional	10 Dec. "	Ralph's Bay Parish	1 Jan. 1826	2d. per acre	C	100	
Duncan, James -	640	Primary -	28 Dec. "	Point Rapid - -	"	"	B	640	Residence enjoined.
Dutton, Thomas -	2,560	ditto -	26 Feb. 1830	Unlocated - -	Naval regulations	"	"	2,560	Overseer enjoined.
Dixon, B. -	2,000	ditto -	19 March "	Abercromby Parish	1 Jan. 1826	"	"		Residence enjoined.
Donaldson, John -	100	ditto -	6 May "	Coningham ditto	"	"	"		ditto - ditto.
Dalrymple, P. -	500	Additional	24 May "	Launceston ditto	"	"	C	1,000	
Downard, R. -	25	ditto -	12 Aug. "	Canning - ditto	"	"	"		ditto - ditto.
Dell, John -	320	Primary -	23 Aug. "	Breadalbane ditto	"	"	B	320	ditto - ditto.
Daly, Timothy -	220	Additional	27 Aug. "	Morven District -	"	"	C	320	ditto - ditto.
Dodge, R. -	300	ditto -	30 Nov. "	Forcett Parish -	"	"	"		
Devine, Thomas -	320	ditto -	30 Nov. "	Methven - District	"	"	"	320	ditto - ditto.
DeLittle, John -	1,280	Primary -	17 Jan. 1831	George Town ditto	"	"	B	1,280	
De Gillern, Major	1,500	Additional	13 Jan. "	Forbes' Parish -	{ Military regu- } lations -	"	C		
Dumas, J. C. -	2,560	Primary -	9 Feb. "	Unlocated - -	"	"	B	2,560	
Doran, Thomas -	200	ditto -	11 April "	Henry - - Parish	1 Jan. 1826	"	"	200	
Dixon, Thomas -	200	Additional	20 April "	Ralph's Bay ditto	"	"	C	200	
Driver, William -	320	Primary -	30 April "	Eastern Marshes -	"	"	B	320	ditto - ditto.
Darke, J. C. -	500	Additional	7 May "	Deddington Parish -	"	"	C	1,000	
Davidson, G. S. -	320	Primary -	21 May "	George Town District	"	"	B	320	ditto - ditto.
Dixon, George -	400	Additional	25 May "	Guilford - Parish	"	"	C	400	
Downard, Richard	200	ditto -	22 July "	Canning - ditto	"	"	"	250	
Dickenson, John -	320	ditto -	23 July "	Macquarie River -	"	"	"	320	
Dixon, H. -	2,000	Primary -	26 July "	Chatsworth Parish -	{ Military regu- } lations -	"	B		
Dixon, W. H. -	640	ditto -	Nov. "	Sorell District -	1 Jan. 1826	"	"	640	
Davidson, William	1,280	ditto -	10 Dec. "	{ Eldon and Chats- } worth Parishes -	"	"	"	1,280	
Dodge, Ralph -	300	Additional	16 Jan. 1832	Carlton - - -	"	"	C	600	
De Gillern, William	700	ditto -	26 Jan. "	Drummond Parish -	{ Military regu- } lations -	"	"	4,200	
Dean, W. M. -	640	Primary -	29 March "	Eastern Coast -	1 Jan. 1826	"	B	640	
Dixon, H. -	560	Additional	16 May 1833	Chatsworth Parish -	{ Military regu- } lations -	"	C	2,560	

RETURNS RELATING TO SALES OF LANDS, AND GRANTS OR

RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor *George Arthur*—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Elliott, William	800	Primary	25 Sept. 1824	Bathurst - District	Regulations of 5 Nov. 1823	{15s per 100 acres}	A	800	
Eagan, John	60	ditto	4 Feb. 1825	Breadalbane - ditto	"	"	"	60	
Elliott, Nathaniel	500	Additional	12 May "	Rochford - Parish	"	"	C	50	
Eddie, J. A.	2,000	Primary	4 Nov. "	Milton - ditto	"	"	A	2,000	
Earle, John	160	Additional	24 Dec. "	Durham - ditto	"	"	C	160	
Evans, George	320	Primary	12 Oct. 1827	North Esk River -	1 Jan. 1826	2d. per acre	B	320	Residence enjoined.
Espie, George	800	Additional	21 May 1828	Beaufort Parish -	"	"	C	800	
Eagle, Geo. jun.	500	Primary	16 July "	Near Spring Bay -	"	"	B	500	ditto - ditto.
Evans, James	640	ditto	22 Aug. "	River Ouse -	"	"	"	640	ditto - ditto.
Eady, John	50	Additional	17 Nov. "	Ralph's Bay Parish	"	"	C	50	
Eagle, George	500	ditto	16 Dec. "	Eldon - ditto	"	"	"	500	
Evans, Robert	200	ditto	28 Jan. 1829	Ralph's Bay ditto	"	"	"	200	
Espie, John	500	ditto	11 Mar. "	Jervis - ditto	"	"	"	500	
Evans, James	320	ditto	11 Aug. "	Gibbs - ditto	"	"	"	320	
Elliston, W. G.	800	Primary	29 Jan. 1830	Eastbourne ditto	"	"	B	800	
Elliott, William	320	ditto	19 June 1833	Tamar District -	"	"	"	320	
Fullarton, William	500	ditto	24 July 1824	Lymington - Parish	5 Nov. 1823	{15 s. per 100 acres}	A	500	
Forster, William	20	ditto	7 Sept. "	Dysart - ditto	"	"	"	20	- Native of New South Wales.
Flexmore, Geo.	60	Additional	7 Sept. "	Huntingdon ditto	"	"	C	60	
Flexmore, Francis	60	Primary	10 Sept. "	ditto - ditto	"	"	A		
Fawcett, Robert	50	ditto	9 Oct. "	ditto - ditto	"	"	"	50	
Fauns, John	100	ditto	15 Mar. 1825	Unlocated -	"	"	"	100	
Fishwick, Thomas	30	ditto	5 Mar. "	ditto -	"	"	"	30	
Penning, Tristram	200	ditto	5 Mar. "	Deddington - Parish	"	"	"	200	
Franks, William	30	ditto	8 Mar. "	Unlocated -	"	"	"	30	
Froggett, Corns	600	ditto	2 May "	Westbury - Parish	"	"	"	600	
Flexmore, F. sen.	100	Additional	1 June "	Dysart - ditto	"	"	C	100	
Fenton, Thomas	700	Primary	13 June "	Melville - ditto	"	"	A	700	
Field, Thomas	200	ditto	6 July "	Huntingdon ditto	"	"	"		
Forster, James	200	ditto	22 May 1826	Grantham - ditto	1 Jan. 1826	2d. per acre	B	200	
Forster, Henry	500	ditto	20 June 1827	Abercromby ditto	"	"	"	500	
Franks, J. & C.	60	Additional	25 May "	Unlocated -	{Prior to Nov. 1823 -}	{2s. per 100 acres}	C	60	
Fereday, D.	2,000	Primary	12 Jan. 1828	St. Aubyn - Parish	1 Jan. 1826	2d. per acre	B	2,000	Overseer enjoined.
Frankland, George	2,560	ditto	5 July "	Sillwood - ditto	"	"	"	2,560	- Regulations for public officers.
Fitzpatrick, John	320	ditto	29 July "	Abercromby ditto	"	"	"	320	Residence enjoined.
Frazier, William	500	Additional	27 Sept. "	Launceston - ditto	"	"	"	500	
Foord, William	500	ditto	31 Dec. "	York - ditto	{Prior to Nov. 1823 -}	2s. per 100 acres	C	500	
Forster, Jane	1,000	ditto	3 Feb. 1829	Abercromby ditto	1 Jan. 1826	2d. per acre	"	1,000	
Foley, John	320	Primary	13 April "	Kingboro' - ditto	"	"	B	320	
Fletcher, Thomas	1,200	Additional	28 May "	Ramsbury - ditto	"	"	C	1,200	
Fenton, Captain	2,560	Primary	8 June "	River Meander -	{Military regulations -}	-	B	2,560	
Fettes, John	320	ditto	13 June "	Bream Creek -	1 Jan. 1826	2d. per acre	"	320	Residence enjoined.
French, Edward	320	ditto	30 June "	Launceston - Parish	"	"	"	-	ditto - ditto.
France, Campbell	2,560	ditto	28 Sept. "	Unlocated -	"	"	"	-	Void.
Forster, Thomas	2,560	ditto	30 Oct. "	East Grinstead Parish	"	"	"	2,560	Special conditions.
Furlong, William	1,500	ditto	1 Dec. "	{Bathurst and Cadbury Parishes -}	"	"	"	-	Residence enjoined.
Fox, Anthony	640	Additional	7 Jan. 1830	Glenorchy - Parish	"	"	C	640	
Franks, Charles	500	ditto	26 Jan. "	Felham - ditto	"	"	"	500	
Franks, Edward	320	ditto	26 Jan. "	Huntingdon - ditto	"	"	"	320	ditto - ditto.
Foote, P.	1,500	Primary	26 April "	Western River -	{Military regulations -}	"	B		
French, Edward	100	Additional	27 April "	Launceston - Parish	1 Jan. 1826	"	C	640	
Field, M. E. S.	1,000	Primary	21 May "	Kingboro' - ditto	"	"	B	1,000	
Friend, M. C.	2,560	ditto	2 June "	Eskdale & Epping ditto	"	free	D	2,560	Special conditions.
Flexmore, F. jun.	100	Additional	12 June "	Huntingdon - ditto	"	2d. per acre	C	160	
Field, Thomas	200	ditto	6 July "	ditto - ditto	"	"	"	400	
Fossey, Joseph	2,000	Primary	1 Feb. 1831	Beverley & Uplands ditto	"	"	B	2,000	
Ferguson, P.	640	ditto	25 Feb. "	Tierney - ditto	"	"	"	640	
Furlong, John	2,560	ditto	20 April "	Bathurst & Cleveland	"	"	"	2,560	
Fenner, James	2,560	ditto	18 July "	Western - District	"	"	"	2,560	Residence enjoined.
Foote, Lieutenant	1,060	Additional	20 Sept. "	ditto - ditto	{Military regulations -}	-	"	2,560	
Furlong, William	1,060	ditto	15 Oct. "	{Bathurst and Cadbury Parishes -}	1 Jan. 1826	2d. per acre	C	2,560	
Forster, Matthew	2,560	Primary	8 Nov. "	Glastonbury Parish	{Military regulations -}	-	D	2,560	
Franks, John	1,000	Additional	11 Nov. "	Lake Sorell -	1 Jan. 1826	2d. per acre	C	1,000	
Fenton, Thomas	2,560	Primary	14 July 1832	North Esk River -	{Military regulations -}	free	D	2,560	
Foster, Thomas	1,280	ditto	20 July "	Salisbury - District	1 Jan. 1826	2d. per acre	B	-	- Unrestricted (quit rent excepted.)
Fortosa, Nicholas	100	ditto	12 Feb. 1833	Avoca - ditto	"	"	"	100	
Graham, Peter	640	ditto	20 May 1824	{Pakenham and Milton Parishes -}	5 Nov. 1823	{15 s. per 100 acres}	A	640	
Glover, W. H.	2,000	ditto	29 May "	Sandspit River -	"	"	"		
Gordon, Alexander	2,000	ditto	28 May "	Unlocated -	"	"	"	2,000	Void.
Green, George	100	ditto	10 Sept. "	Cornwallis - Parish	"	"	"		
Goodwin, James	100	ditto	4 Feb. 1825	Ormaig - ditto	"	"	"		
Gilligan, James	100	ditto	4 Feb. "	Avoca - ditto	"	"	"		
Glens, James	100	ditto	4 Feb. "	Launceston District	"	"	"	100	
Grady, Thomas	30	ditto	7 Feb. "	Unlocated -	"	"	"	30	
Gough, W. H.	1,000	ditto	10 Mar. "	Sorell - Parish	"	"	"	1,000	
Gourlay, Thomas	700	ditto	2 May "	Vincent - ditto	"	"	"		
Gildas, James	100	ditto	1 June "	River Tamar -	"	"	"		
Gaughren, John	40	ditto	1 June "	Brune Island -	"	"	"		
Griffiths, Jonathan	300	Additional	1 June "	Launceston District	"	"	C		

APPROPRIATIONS OF CROWN LANDS IN VAN DIEMEN'S LAND.

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RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor George Arthur—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Griffiths, John	500	Primary	25 June 1825	Melville - - Parish	Regulations of— 5 Nov. 1823	{ 15 s. per 100 acres }	A	500	
Godson, Spyres	100	ditto	13 July "	New Norfolk ditto	"	"	"	100	
Godwin, W. E.	600	ditto	3 July "	Abercromby ditto	"	"	"	600	
Guard, Robert	30	ditto	6 Sept. "	Unlocated - -	"	"	"	30	
Gleadow, J. G. W.	2,000	ditto	4 Nov. "	Break-o'-day District	"	"	"	2,000	
Govett, George	1,200	Additional	17 Nov. "	Sligo Parish - -	"	"	C	1,200	
Gill, W. H.	1,000	Primary	11 Jan. 1826	Avenu Plain - -	1 Jan. 1826	2d. per acre	B	1,000	
Garrett, M. C.	80	ditto	12 Jan. "	Macquarie River -	"	"	"	80	
Garrett, Thomas	300	ditto	7 Mar. "	River Ouse - -	"	"	"	300	
Gilles, Lewis W.	500	Additional	22 May "	Wincanton - Parish	"	"	C		
Gatenby, George	500	Primary	4 July "	Lincoln - ditto	"	"	B	-	- - Reward for conflict with bushranger.
Grey, W. N.	200	Additional	25 Aug. "	Unlocated - -	"	"	C	200	- - Reward for capturing three bushrangers.
Guest, George	300	See Remarks	24 Nov. "	- - - -	"	"	-	-	- - Vide John Guest, below, increased to 600 acres.
Gatehouse, William	1,000	{ Appar. } Primary	31 Jan. 1827	Prosser's Plains -	"	"	B	1,000	
Gatehouse, Clem.	1,000	ditto	31 Jan. "	ditto - ditto -	"	"	"	1,000	
Garrett, Catherine	500	ditto	30 Aug. "	Uplands Parish -	{ Prior to Nov. 1823 }	{ 2 s. per 100 acres }	A	500	
Griffiths, James	320	ditto	10 Sept. "	Launceston District	1 Jan. 1826	2d. per acre	B	320	
Gray, Major W.	2,560	ditto	9 Nov. "	Glastonbury Parish	{ Military regu- lations - }	free -	D		
Gray, Lieut. James	2,560	ditto	9 Nov. "	Avoca - - ditto	"	2d. per acre	B	2,560	
Germain, Hugh	24	Additional	19 Jan. 1828	Ralph's Bay ditto	1 Jan. 1826	"	C	-	- - To include his cultivation.
Grant, James	1,500	ditto	27 Mar. "	South Esk River -	{ Prior to Nov. 1823 }	{ 2 s. per 100 acres }	"	-	- - Originally ordered to John Grant.
Gatenby Andrew	1,000	ditto	14 May "	Lincoln Parish -	1 Jan. 1826	2d. per acre	"	1,000	- - Reward for improvements, &c.
Gilles, Lewis	1,000	ditto	16 July "	Morven District -	"	"	"	1,500	Residence enjoined.
Gordon, Hugh	500	Primary	16 July "	Wellington Parish -	"	"	B	500	
Garrett, Robert	1,500	ditto	7 Aug. "	River Meander -	"	"	"	1,500	
Gunn, William	1,000	Additional	18 Aug. "	Drummond - Parish	"	"	C	1,000	
Guy, Andrew	320	Primary	29 Aug. "	Arundel - ditto	"	"	B	320	ditto - ditto.
Gibson, Eliza	500	ditto	30 Aug. "	Western District -	"	"	"	500	- - Granted originally to N. Piper.
Gray, D. W.	1,280	ditto	27 Oct. "	{ Deddington Parish, District of Morven }	"	"	"	1,280	Residence enjoined.
Gee, Thomas	500	ditto	16 Dec. "	Launceston District	"	"	"	500	ditto - ditto.
Gray, Major W.	2,560	Additional	31 Dec. "	Glastonbury Parish	"	"	C	5,120	
Guest, George	600	Primary	13 Feb. 1829	Somerton - ditto	5 Nov. 1823	{ 15 s. per 100 acres }	A	600	
Gorringe, J. F.	500	Additional	11 Mar. "	Huntingdon ditto	1 Jan. 1826	2d. per acre	C	500	
Griffiths, Valentine	500	ditto	14 Mar. "	Drummond ditto	5 Nov. 1823	{ 15 s. per 100 acres }	"	500	
Gunning, G. W.	1,000	ditto	23 Mar. "	Maxwell - ditto	1 Jan. 1826	2d. per acre	"		
Gatehouse, George	2,000	Primary	31 Mar. "	Grindstone Bay -	"	"	B	2,000	- - For establishment of a brewery.
Garcia, Alexander	500	ditto	29 June "	Brumby's Rivulet -	"	"	"	500	Residence enjoined.
Gardiner, J. B.	800	ditto	30 June "	Western District -	"	"	"	800	ditto - ditto.
Gildas, James	400	Additional	13 July "	River Tamar -	"	"	C	500	
Grey, Humphrey	1,550	Primary	11 Aug. "	Eastbourne - Parish	"	"	B		
Geiss, Anthony	500	Additional	5 Sept. "	Wellington - ditto	"	"	C	500	
Goodwin, James	100	ditto	16 Sept. "	Ormaig - ditto	"	"	"	200	
Glover, James	500	Primary	19 Sept. "	Lansdowne - ditto	"	"	B	500	ditto - ditto.
Glover, William	640	ditto	3 Nov. "	Jervis - - ditto	"	"	"	640	ditto - ditto.
Glover, Henry	640	ditto	3 Nov. "	ditto - - ditto	"	"	"	640	ditto - ditto.
Goodman, B.	1,500	ditto	14 Nov. "	Western Arm -	"	"	"	1,500	Special conditions.
Gourlay, Thomas	500	Additional	18 Nov. "	Vincent Parish -	"	"	C	1,200	
Gaughren, John	200	ditto	7 Jan. 1830	Brune Island -	"	"	"	240	
Gatehouse, George	500	ditto	22 Apr. "	Lincoln - - Parish	"	"	"	1,000	
Gatenby, John	320	Primary	24 June "	ditto - - ditto	"	"	B	320	Residence enjoined.
Gregson, T. G.	1,000	Additional	20 July "	{ Bath and Clarence Parishes - - }	"	"	C	1,000	
Grant, James	1,000	ditto	14 Sept. "	Morven District -	"	"	"	2,500	
Gilligan, James	220	ditto	27 Aug. "	South Esk River -	"	"	"	320	ditto - ditto.
Gellibrand, J. T.	4,000	Primary	18 Jan. 1831	{ Chatsworth and El- don Parishes - }	"	"	B	-	- - Subject to quit-rent only.
Gray, John	340	ditto	31 Jan. "	George Town District	"	"	"	640	Residence enjoined.
Gardiner, J.	1,200	Additional	4 Mar. "	Eldon - - Parish	"	"	C	1,200	ditto - ditto.
Green, George	300	ditto	16 Mar. "	Durham - - ditto	"	"	"	400	
Gilpin, B.	640	Primary	25 Mar. "	Sussex - - ditto	"	"	B	640	
Gaunt, M.	2,560	ditto	31 May "	George Town District	"	"	"	2,560	
Glover, John	2,560	ditto	10 June "	Uplands - - Parish	"	"	"	2,560	
Gellibrand, William	500	Additional	18 June "	Ralph's Bay ditto	"	"	C	500	
Glover, John, jun.	640	Primary	18 July "	Uplands - ditto	"	"	B	640	ditto - ditto.
Gray, Henry	1,000	Additional	31 Aug. "	Eastbourne ditto	"	"	C	2,560	
Gellibrand, J. T.	2,560	ditto	13 Oct. "	Morven District -	"	"	"	6,560	
Grove, Thomas	2,560	Primary	13 Oct. "	{ St. Aubin and Tre- fusis Parishes - }	{ Military regu- lations - }	"	B	2,560	
Garrett, Rev. J.	800	ditto	31 Dec. "	Amherst - Parish	1 Jan. 1826	"	"	800	
Glover, W. H.	400	Additional	23 Apr. 1832	Not located - -	"	"	C	2,400	
Gage, J. O.	2,000	Primary	12 May 1833	ditto - - -	5 Nov. 1823	{ 15 s. per 100 acres }	A	2,000	
Gunning, G. W.	300	Additional	12 Apr. "	Maxwell Parish -	1 Jan. 1826	2d. per acre	C	1,300	Allowed to alienate it.
Griffiths, Jonathan	3,200	As Primary	9 July "	River Tamar -	"	"	B	3,500	- - For building a bridge at Launceston.
Hatch, Jeremiah	500	Primary	4 Aug. 1824	Unlocated - -	5 Nov. 1823	{ 15 s. per 100 acres }	A	500	
Herbert, John	100	Additional	4 Feb. 1825	ditto - - -	"	"	C	100	
Hodgetts, James	80	ditto	4 Feb. "	Longford - Parish	"	"	"	80	
Hodgetts, Daniel	60	Primary	4 Feb. "	ditto - - ditto	"	"	A	60	

RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor *George Arthur*—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Herbert, James	109	Additional	7 Feb. 1825	Unlocated - -	Regulations of— 5 Nov. 1823	{15 s. per 100 acres}	C	100	
Haig, James	100	Primary -	7 Feb. "	Launceston District	"	"	A	100	
Hyland, John	30	ditto -	14 Feb. "	St. Aubin - Parish	"	"	"	30	
Hainsworth, John	80	ditto -	5 Mar. "	Not located - -	"	"	"	80	
Hill, S. R. -	1,000	ditto -	5 Mar. "	Richmond District	"	"	"	1,000	
Hobbs, James	700	Additional	15 Mar. "	Eastern Marshes -	"	"	C	-	
Harrison, H.	500	ditto -	1 June "	Campbleton Parish	"	"	"	-	Residence enjoined.
Hammond, Thomas	150	ditto -	1 June "	Breadalbane ditto	"	"	"	150	
Hart, Henry	15	ditto -	1 June "	ditto - ditto	"	"	"	15	
Hardwick, Charles	500	{Asanad- dition }	1 June "	Norfolk Plains -	"	"	"	-	
Hillas, Mark	60	Addition -	12 July "	Strangford - Parish	"	"	"	60	
Hall, Isaac -	60	Primary -	21 Sept. "	Melville - ditto	"	"	A	60	
Hames, John	30	ditto -	6 Sept. "	Jarvis - ditto	"	"	"	30	
Hoskinson, Thos.	60	ditto -	6 Sept. "	Cadbury - ditto	"	"	"	60	
Hayes, William	100	Additional	6 Sept. "	Huntingdon ditto	"	"	C	-	
Hogg, Gavin	100	Primary -	8 Dec. "	Unlocated - -	"	"	A	-	Void.
Hames, John	500	ditto -	14 Dec. "	ditto - -	"	"	"	-	ditto.
Hines, F. -	300	ditto -	7 Jan. 1826	St. Aubyn Parish	1 Jan. 1826	2d. per acre	B	300	{For being chief constable of the District where Brady, the bushranger, was captured.
Hill, James, jun.	100	Additional	13 April "	North Esk River -	"	"	C	-	- ditto - ditto, (bushranger's name Goodwin.)
Hance, William	300	Primary -	22 May "	Ralph's Bay Parish	"	"	B	300	
Hardwicke, Charles	100	Additional	23 June "	Longford - ditto	"	"	C	600	
Hill, Samuel	180	ditto -	14 July "	Wincanton ditto	"	"	"	-	- - In payment of a turning lathe.
Hayton, Joseph	100	Primary -	20 Sept. "	Canning - ditto	"	"	B	100	
Hart, John De C	300	Additional	12 Mar. 1827	Little Swan Port -	"	"	C	300	
Hobler, George	2,000	Primary -	1 June "	Westbury - Parish	"	"	B	2,000	
Hill, William	1,500	Additional	29 Nov. "	Eldon - ditto	"	"	C	-	- - Free of other restrictions.
Hassell, John	500	Primary -	12 Jan. 1828	{Middle Arm, River Tamar - - }	"	"	B	500	Residence enjoined.
Hepburn, Robert	2,560	ditto -	2 Feb. "	St. Cuthbert's Parish	"	"	"	-	
Harrison, Peter	1,000	Additional	2 Feb. "	York - - ditto	"	"	C	-	
Hudson, William	2,000	Primary -	8 Feb. 1827	St. Alban's ditto	"	"	B	2,000	Special conditions.
Hudspeth, J. M.	600	Additional	21 May 1828	York - - ditto	"	"	C	-	
Hawkins, John	1,280	Primary -	11 June "	Little Swan Port -	{Military regu- lations - - }	"	B	1,280	
Hewitt, Thomas	1,000	ditto -	16 July "	St. Patrick's Plains	1 Jan. 1826	2d. per acre	"	-	
Hill, Samuel	2,000	Additional	16 July "	Wincanton Parish	"	"	C	2,180	
Horne, B. -	1,000	ditto -	16 July "	Ross - - ditto	"	"	"	-	
Horton, S. -	800	ditto -	22 Aug. "	Pakenham ditto	"	"	"	800	
Harrison, H.	300	ditto -	17 Nov. "	Campbleton ditto	"	"	"	-	
Headlam, John	500	ditto -	29 Dec. "	Abercromby ditto	"	"	"	500	
Hector, C.	320	Primary -	28 Jan. 1829	Cambridge - ditto	"	"	B	320	
Hyde, William	2,560	ditto -	29 Jan. "	Unlocated (void) -	"	"	"	-	
Hackett, James	2,000	ditto -	31 Jan. "	Uplands - Parish	"	"	"	2,000	Special conditions.
Harrison, Robert	1,000	Additional	2 Feb. "	Maxwell - ditto	"	"	C	1,000	
Hudspeth, John	1,000	ditto -	2 Feb. "	Newick - ditto	"	"	"	1,600	
Hardwicke, C. B.	1,000	ditto -	9 Feb. "	Lake River - -	"	"	"	1,000	
Hobson, Edmund	500	Primary -	11 Mar. "	Hartington Parish	"	"	B	500	
Hewitt, Thomas	1,560	Additional	14 Mar. "	St. Patrick's Plains	"	"	C	2,560	Special conditions.
Hunter, Thomas	2,560	Primary -	3 Apr. "	Break-o'-day ditto	"	"	B	2,560	ditto - ditto.
Hepburn, Robert	500	Additional	13 Apr. "	Great Swan Port -	"	"	C	3,060	Residence enjoined.
Henderson, John	2,560	Primary -	26 May "	{Cape Henderson, near St. Patrick's Head - - }	"	"	B	2,560	Special conditions.
Hall, Robert	220	Additional	29 June "	Wallace Parish -	"	"	C	220	
Harper, W. M.	1,000	Primary -	30 July "	Unlocated - -	"	"	B	-	- - Special conditions (void.)
Harper, William	500	ditto -	25 Aug. "	Kingboro' Parish	"	"	"	500	Residence enjoined.
Hudspeth, A.	320	ditto -	3 Sept. "	York - - ditto	"	"	"	320	ditto - ditto.
Hunt, George	1,000	ditto -	8 Sept. "	Ormaig - ditto	"	"	B	1,000	
Hone, Joseph	2,560	ditto -	25 Sept. "	{Dysart and Somer- ton Parishes - }	"	"	"	2,560	Overseer enjoined.
Hutton, William	640	ditto -	24 Oct. "	Kingboro' Parish -	"	"	"	640	Residence ditto.
Harper, Thomas	150	ditto -	29 Oct. "	Brune Island (south)	"	"	"	150	ditto, 5 years ditto.
Hull, George	2,000	ditto -	25 Nov. "	Hobart - Parish	"	"	"	-	
Hazlewood, James	500	ditto -	28 Dec. "	Uplands - ditto	"	"	"	500	Residence enjoined.
Hazlewood, Joseph	320	ditto -	28 Dec. "	ditto - ditto	"	"	"	320	
Hill, William	300	Additional	14 Jan. 1830	Eldon - ditto	"	"	C	1,800	
Horton, Samuel	1,000	ditto -	13 Feb. "	Pakenham ditto	"	"	"	1,000	
Horne, Thomas	2,560	Primary -	22 Feb. "	{Long Point, East Coast - - }	"	"	B	2,560	
Hall, John -	500	ditto -	3 Mar. "	Queenborough Parish	"	"	"	500	
Highbett, J. & W.	500	ditto -	22 April "	River Tamar - -	"	"	"	500	
Hortle, James	500	Additional	7 June "	Western District -	"	"	C	-	
Healey, William	100	ditto -	7 Aug. "	Forcett - Parish	"	"	"	100	
Harrison, H.	1,260	ditto -	23 Aug. "	Glastonbury ditto	"	"	"	-	
Hill, James, jun.	300	ditto -	9 Sept. "	George Town -	"	"	"	400	Residence enjoined.
Howells, H.	1,000	ditto -	9 Sept. "	Fortescue - Parish	"	"	"	1,000	For services.
Hames, Elizabeth	500	ditto -	10 Sept. "	Forbes - ditto	"	"	"	500	Residence enjoined.
Hammond, Eliza- beth	1,000	Primary -	15 Sept. "	South Esk River -	"	"	B	1,000	ditto - ditto.
Harrison, Peter	1,000	Additional	29 Sept. "	York - - Parish	"	"	C	2,000	
Hodgkinson, John	640	Primary -	4 Jan. 1831	Wallace - ditto	"	"	B	640	
Harrison, G. J.	500	ditto -	5 Jan. "	Maxwell - ditto	"	"	"	500	ditto - ditto.
Horne, Benjamin	1,000	Additional	9 Feb. "	Wincanton ditto	"	"	C	2,000	
Hepburn, William	500	Primary -	11 Mar. "	{Great Swan Port District - - }	"	"	B	-	ditto - ditto.

APPROPRIATIONS OF CROWN LANDS IN VAN DIEMEN'S LAND.

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RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor *George Arthur*—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Hayes, William -	160	Additional	25 May 1831	Strangford - Parish	Regulations of—	2d. per acre	C	260	
Hopkins, John -	100	ditto -	31 May "	Huntingdon ditto	1 Jan. 1826	"	"	100	
Hayes, John -	320	ditto -	15 June "	Strangford ditto	"	"	"	320	Residence enjoined.
Hutchinson, Rev. J.	1,280	Primary -	18 July "	Beverley - ditto	"	"	B	1,280	ditto - ditto.
Hogg, Gavin -	640	ditto -	28 July "	{ Eldon and Abercromby Parishes }	"	"	"	640	
Holmes, Richard -	320	Additional	8 June "	Hartington Parish -	"	"	C	320	
Hinds, Joseph -	320	Primary -	26 Oct. "	George Town District	"	"	B	320	
Hooper, Thomas -	500	Additional	26 Oct. "	Apsley Parish -	"	"	C	500	
Halls, John -	1,000	Primary -	11 Nov. "	Eastern Marshes -	"	"	B	1,000	
Hortell, James -	350	Additional	14 Oct. "	Western District -	"	"	C	850	
Horne, A. W. -	2,560	Primary -	20 Jan. 1832	Cape Portland -	"	"	B	2,560	
Harrison, H. -	330	Additional	7 July 1831	Wincanton Parish -	"	"	C	2,390	
Hobbs, James -	1,000	Reserve -	16 Jan. 1834	Eastern Marshes -	"	"	"	1,700	
Hudson, Jos. -	1,280	ditto -	3 June "	River Tamar -	"	"	B	1,280	
Hull, George -	560	ditto -	29 Feb. 1832	Glenorchy - Parish	"	"	C	2,560	
Ibbett, John -	1,500	Primary -	12 July 1825	Vincent - ditto	5 Nov. 1823	{ 15 s. per 100 acres }	A	1,500	
Irwin, O. -	60	ditto -	1 Nov. 1824	Jervis - ditto	"	"	"	60	
Ironsides, James -	500	ditto -	25 June 1827	Unlocated -	1 Jan. 1826	2d. per acre	B	-	Resumed.
James, Horton -	2,000	ditto -	27 May 1824	ditto -	5 Nov. 1823	{ 15 s. per 100 acres }	A	-	Void.
Johnson, F. W. -	500	ditto -	8 July "	ditto -	"	"	"	500	
Jarvis, W. -	50	ditto -	9 Oct. "	Wellington - Parish	"	"	"	50	
Jordan, James, jun.	90	Additional	4 Feb. 1825	Launceston ditto	"	"	C	90	
Johnson, John -	30	Primary -	4 Feb. "	Unlocated -	"	"	A	30	
James, Jos. -	500	Additional	18 Feb. "	Cimitiere Plains -	"	"	C	500	
Jones, John -	100	Primary -	10 Mar. "	Spring Hill Parish	"	"	A	-	
Jones, Michael -	100	ditto -	10 Mar. "	Rutland - ditto	"	"	"	100	
Jones, Henry -	100	ditto -	10 Mar. "	ditto - ditto	"	"	"	100	
Jackson, J. -	100	ditto -	25 May "	Unlocated -	"	"	"	100	
Jewell, John -	1,000	ditto -	9 May "	Clarence - Parish	"	"	"	1,000	
Jeffreys, Charles -	500	Additional	9 May "	Unlocated -	"	"	C	-	- - Confirmed to his widow.
Jones, James -	30	Primary -	12 July "	Tarlington - Parish	"	"	A	30	
Johnson, William -	200	ditto -	9 July "	Unlocated -	"	"	"	200	
Jefferson, John -	30	ditto -	11 Jan. 1826	ditto -	1 Jan. 1826	2d. per acre	B	30	
Johnson, William -	300	ditto -	11 Jan. "	Hartington - Parish	"	"	"	300	
Jellicoe, Henry -	2,000	ditto -	20 May "	Cressy - ditto	"	"	"	-	Special conditions.
Johnson, John -	1,500	ditto -	17 Feb. 1827	Henry - ditto	"	"	"	1,500	Residence enjoined.
Jillett, Robert -	500	Additional	16 June "	Huntingdon ditto	"	"	C	500	- - Not bound to cultivate.
Jennings, Henry -	1,000	Primary -	12 Jan. 1828	Beverley - ditto	"	"	B	1,000	
Jamieson, David -	1,060	Additional	7 June "	River Ouse -	"	"	C	-	
Jackson, John -	640	Primary -	6 Aug. "	Canning - Parish	"	"	B	640	Overseer enjoined, &c.
Jones, James -	200	Additional	5 Sept. "	Spring Hill ditto	"	"	C	500	
Jones, Robert -	500	Primary -	5 Sept. "	ditto - ditto	"	"	B	500	
Jones, John -	500	Additional	6 Sept. "	ditto - ditto	"	"	C	500	
Johnson, William -	320	Primary -	2 Dec. "	Huntingdon ditto	"	"	B	320	
Jacobs, William -	30	Additional	17 Feb. 1829	Unlocated -	{ Prior to Nov. 1823 - }	{ 2 s. per 100 acres }	C	30	
Jones, John -	220	ditto -	31 Mar. "	Spring Hill Parish	1 Jan. 1826	2d. per acre	"	320	
Johnson, Joseph -	450	ditto -	13 July "	Dysart - ditto	"	"	"	450	
Jellicoe, Henry -	1,000	ditto -	30 June 1830	Wincanton ditto	"	"	"	-	
Jackson, J. H. -	640	ditto -	13 July "	Western District -	"	"	"	640	Residence enjoined.
Jorgenson, Jorgen -	100	Primary -	27 Aug. "	Spring Hill Parish	"	"	B	100	
Jones, Robert -	320	Additional	25 Sept. "	Rutland - ditto	"	"	C	-	
Jamieson, D. -	500	ditto -	16 Mar. 1831	Sorell District -	"	"	"	1,560	
Jones, Robert -	200	ditto -	16 Mar. "	Rutland - Parish	"	"	"	520	
Jellicoe, Henry -	1,000	ditto -	8 July "	Wincanton ditto	"	"	"	4,000	
Jennings, J. G. -	1,500	Primary -	8 Dec. "	Beverley - ditto	"	"	B	1,500	Special conditions.
Kaye, William -	60	Primary -	1 Nov. 1824	Methven District -	5 Nov. 1823	{ 15 s. per 100 acres }	A	60	
King, George -	60	ditto -	6 Nov. "	Hamilton Parish -	"	"	"	60	
Kealing, W. D. -	40	Additional	4 Feb. 1825	Meander River -	"	"	C	40	
Kean, Patrick -	70	ditto -	7 Feb. "	Longford - Parish	"	"	"	70	
Kerr, David -	2,000	ditto -	3 Mar. "	Sorell - ditto	"	"	"	-	Resumed.
Kimberley, Wm. -	300	ditto -	4 Mar. "	Jervis - ditto	"	"	C	-	
Kelly, David -	50	Primary -	1 June "	Apsley - ditto	"	"	A	50	
Karley, George -	150	Additional	1 June "	Strangford ditto	"	"	C	150	
Kimberley, Wm. -	500	ditto -	6 Sept. "	Gibbs - ditto	"	"	"	-	- - In exchange for a boat.
Kelly, James -	100	ditto -	19 Dec. "	Brune Island -	"	"	"	-	
Kalaman, John -	100	Primary -	24 Jan. 1826	Huntingdon Parish	1 Jan. 1826	2d. per acre	B	-	
Knopwood, R. -	400	Additional	20 July "	Bramber - ditto	"	{ 1½ p cent. on 10s. p acre }	C	-	In exchange for land.
Kimberley, Wm. -	500	ditto -	24 Oct. "	Maxwell - ditto	"	"	"	-	- - Quit-rent from May 1824, for capturing bushrangers.
King, James -	2,000	Primary -	26 Jan. 1827	Great Swan Port -	"	2d. per acre	B	-	
Knight, John -	320	ditto -	20 Sept. "	Launceston Parish -	"	"	"	-	In exchange for a boat.
Kelly, James -	100	Additional	3 Dec. "	Brune Island -	"	"	C	-	
King, George -	2,560	Primary -	17 July 1828	{ near North Esk River - }	{ Naval Regulations - }	free	D	2,560	
Kearney, William -	1,000	Additional	12 Sept. "	Eastbourne - Parish	1 Jan. 1826	2d. per acre	C	1,000	Overseer enjoined.
Kane, Thomas -	20	ditto -	24 Sept. "	Wellington ditto	"	"	"	20	
Kane, James -	320	Primary -	2 Dec. "	Longford - ditto	"	"	B	320	
Kimberley, Wm. -	500	Additional	4 Sept. 1829	Strangford ditto	"	"	C	1,800	
Kemp, A. F. -	1,000	ditto -	18 Nov. "	Winterton - ditto	"	"	"	1,000	
Kelly, James -	500	ditto -	13 June "	Brune - ditto	"	"	"	700	
Keating, W. D. -	320	ditto -	20 July 1830	Western District -	"	"	"	320	Residence enjoined.
Kermode, Wm. -	1,000	ditto -	8 Sept. "	{ Gibbs & Pakenham Parishes }	"	"	"	1,000	
Kemp, G. A. -	800	ditto -	13 Jan. 1831	Lake Sorell -	"	"	"	800	
Kennedy, H. -	100	Primary -	27 April "	Forcett -	"	"	B	100	ditto - ditto.

(continued.)

RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor George Arthur—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Kyle, J.	1,000	Primary	28 July 1831	River Tamar	Regulations of— Military Regulations 1 Jan. 1826	2d. per acre	B	1,000	Residence enjoined.
Kinsman, R. J.	2,560	ditto	11 Nov. "	Unlocated (void)	"	"	"	-	Void.
Lambe, David	640	ditto	20 May 1824	Little Hampton Parish	5 Nov. 1823	{ 15 s. per 100 acres }	A	640	
Lawrence, W. E.	164	Additional	4 Feb. 1825	Launceston - ditto	"	"	C	164	
Lord, T. D.	1,000	Primary	3 Feb. "	Oyster Bay - "	"	"	A		
Lyons, William	60	ditto	7 Feb. "	River Meander - "	"	"	"		
Lucas, James	100	Additional	28 Feb. "	Unlocated - "	"	"	C	-	Void.
Linley, George	50	Primary	15 Feb. "	York - Parish	"	"	A	50	
Lette, Peter	1,600	Additional	5 April "	Evandale - ditto	"	"	C		
Loane, Major	2,000	Primary	31 May "	Sligo - ditto	"	"	A	2,000	
Luffell, Thomas	30	ditto	18 April "	St. Aubyn - ditto	"	"	"	30	
Lambert, Jeremiah	100	ditto	9 May "	River Tamar - "	"	"	"	100	
Lawson, George	100	ditto	1 June "	ditto - ditto	"	"	"	100	
Leigh, Henry	80	ditto	1 June "	Unlocated - "	"	"	"	-	Void.
Leviston, William	100	ditto	8 July "	Cornwallis - Parish	"	"	"	100	
Lempriere, Thomas	1,000	ditto	6 Sept. "	Forbes - ditto	"	"	"	1,000	
Lyttleton, William	2,000	ditto	4 Nov. "	Westbury - ditto	"	"	"		
Lakeland, John	300	Additional	15 Nov. "	Dulverton - ditto	"	"	C	300	
Lewis, Richard	1,000	ditto	29 Dec. "	Cambridge - ditto	"	"	"	1,000	
Lucas, Olivia	100	Primary	11 June "	River Tamar - "	"	"	A	100	
Lucas, James	100	-	27 Feb. 1826	Unlocated - "	1 Jan. 1826	2d. per acre	B	100	
Loane, R. W.	1,500	Additional	13 Mar. "	Bramber Parish - "	"	"	C	1,500	- No restrictions, save quit-rent.
Laing, George	100	Primary	12 April "	Unlocated - "	"	"	B	100	
Leake, W. B.	500	ditto	17 July "	North Esk River - "	"	"	"	500	
Laughton, John	500	ditto	4 Jan. 1827	Hamilton Parish - "	5 Nov. 1823	15s. p' acre	A	500	
Lynes, William	1,500	ditto	8 Jan. "	Moulting Bay - "	1 Jan. 1826	2d. per acre	B	1,500	
Langdon, William	30	Additional	19 Mar. "	Clarence - Parish	"	"	C	-	Not yet confirmed.
Lowe, T. Y.	10	ditto	10 April "	Hobart - ditto	"	"	"	10	- Compensation for land.
Laing, Alexander	220	ditto	5 May "	Orielton Rivulet	{ Prior to Nov. 1823 }	{ 2 s. per 100 acres }	"		
Legge, Robert	1,200	Primary	5 Sept. "	St. Aubin Parish - "	1 Jan. 1826	2d. per acre	B	1,200	Residence enjoined.
Lyons, Richard	100	ditto	5 Oct. "	River Meander - "	"	free	D	100	7 years ditto - ditto.
Layman, Charles	640	ditto	12 Jan. 1828	Strangford Parish	"	2d. per acre	B	640	Residence enjoined.
Lackey, Michael	700	Additional	12 Jan. "	Maxwell - ditto	"	"	C	700	
Legge, Robt Vinc'	1,500	Primary	12 Jan. "	Break-o'-day Plains	"	"	B	-	ditto - ditto.
Laughton, Elizabeth	500	ditto	27 Mar. "	Hamilton - Parish	"	"	"	500	
Lovett, John	20	ditto	7 May "	Kingboro' - ditto	"	"	"		
Langdon, William	500	Additional	9 June "	Stradbroke ditto	"	"	C	530	
Leake, John	2,000	ditto	10 July "	Campton - ditto	1 Jan. 1826	"	"	2,000	
Lord, David	40	ditto	29 Aug. "	Unlocated - "	{ Prior to Nov. 1823 }	{ 2 s. per 100 acres }	"	40	
Lloyd, G. T.	800	Primary	18 Sept. "	Somerton - Parish	1 Jan. 1826	2d. per acre	B	800	
Lyttleton, William	560	Additional	3 Oct. "	Westbury - ditto	"	"	C		
Lucas, John	150	ditto	2 Dec. "	Queenboro' ditto	"	"	"	150	
Lucas, Nathaniel	150	ditto	2 Dec. "	Kingboro' - ditto	"	"	"	150	
Laing, Alexander	320	ditto	12 May 1829	Orielton - ditto	"	"	"	540	
Lawson, Elizabeth	100	ditto	20 June "	Launceston ditto	"	"	"	100	
Lette, Peter	1,000	ditto	13 July "	Evandale - ditto	"	"	"	2,600	
Legge, R. V.	1,000	ditto	14 Nov. "	Break-o'-day River	"	"	"	2,500	
Lyne, John	320	Primary	18 Dec. "	River Apsley - "	"	"	B	320	
Leith, W. E.	500	Additional	18 Jan. 1830	Anglesea Parish - "	"	"	C	500	
Lord, T. D.	1,560	ditto	27 April "	{ Great Swan Port District - }	"	"	"	2,560	
Lynch, John	320	Primary	11 May "	Kingboro' Parish - "	"	"	B	320	Residence enjoined.
Lawson, Richard	320	ditto	24 May "	Liffey Rivulet - "	"	"	"	320	ditto - ditto.
Leard, William	1,500	ditto	3 June "	Spring Bay - "	{ Military Re- gulations }	free	D		
Lyttleton, William	500	Additional	5 June "	Westbury Parish - "	1 Jan. 1826	2d. per acre	C		
Lawrence, William	320	Primary	16 June "	Brune Island (South)	"	"	B	320	ditto - ditto.
Ludgater, Mercer	1,280	ditto	19 June "	Staffa Parish - "	"	"	"	1,280	ditto - ditto.
Lascelles, T. A.	1,000	Additional	9 Aug. "	Unlocated - "	"	"	C		
Lyons, William	140	ditto	22 July "	Meander River - "	"	"	"	200	
Lister, William	1,000	Primary	7 Aug. "	South Brune Island	"	"	B	1,000	Special conditions.
Leard, William	1,060	Additional	30 Nov. "	Spring Bay - "	{ Military Re- gulations }	"	D	2,560	
Lascelles, T. A.	1,000	ditto	8 Jan. 1831	East Grinstead Parish	1 Jan. 1826	"	C	2,000	
Lovett, John	300	Primary	17 Jan. "	Kingboro' - ditto	"	"	B	320	Special conditions.
Lyttleton, William	880	{ Additional as Primary }	20 Jan. "	Westbury - ditto	"	"	"	3,940	- Compensation for house, &c.
Lucas, James	200	Additional	31 Jan. "	Kingboro' - ditto	"	"	"	200	
Lovell, James	320	Primary	13 April "	Queenboro' - ditto	"	"	"	320	Residence enjoined.
Lord, Sim. jun.	2,560	ditto	16 April "	Cape Portland - "	"	"	"	2,560	ditto - ditto.
Lewis, William	100	ditto	31 May "	Huntingdon Parish - "	"	"	"	100	
Lord, James, jun.	1,500	Additional	10 June "	Eastern Marshes - "	"	"	C	1,500	ditto - ditto.
Lucas, George	320	ditto	10 June "	Lake River - District	"	"	"	320	
Lowe, George	1,000	Primary	18 June "	Henry - ditto	"	"	B	1,000	
Lane, David	320	Additional	12 Aug. "	Bream Creek - "	"	"	C	320	ditto - ditto.
Landall, D ^r	120	ditto	25 Nov. "	Launceston - Parish	"	"	B	120	- On the terms of an original.
Ladds, William	640	Primary	13 Feb. 1832	Cadbury - ditto	"	"	"	640	Residence enjoined.
Mills, Philip	500	ditto	19 May 1824	River Ouse - "	5 Nov. 1823	{ 15 s. per 100 acres }	A	500	
Maddock, Richard	400	ditto	21 May "	Eldon - Parish	"	"	"	400	
Manning, Frederick	500	ditto	1 June "	Ramsbury - ditto	"	"	"		
Macintosh and De Graves	2,000	ditto	11 June "	Hobart - ditto	"	"	"	2,000	
Malcolm, William	500	ditto	25 Sept. "	Bathurst - ditto	"	"	"		
M'Donald, Edward	100	ditto	25 Sept. "	Ormaig - ditto	"	"	"	100	
Murphy, Thomas	60	Additional	3 Nov. "	Unlocated - "	"	"	C	60	

APPROPRIATIONS OF CROWN LANDS IN VAN DIEMEN'S LAND.

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RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor George Arthur—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
M'Rea, C. -	640	Primary -	6 Nov. 1824	Brumby's Rivulet -	Regulations of— 5 Nov. 1823	{15 s. per 100 acres}	A	640	
Mather, Robert -	1,200	ditto -	18 Nov. "	Ralph's Bay Parish	"	"	"	-	Void. In trust for an orphan.
M'Arthur, A. -	500	ditto -	16 Dec. "	Unlocated -	"	"	"	-	
Massey, T. W. -	200	ditto -	4 Feb. 1825	Trefusis - Parish	"	"	"	200	
Murray, K. -	60	Additional	4 Feb. "	Evandale - ditto	"	"	C	380	
Morgan, Lewis -	30	Primary -	4 Feb. "	Unlocated -	"	"	A	30	
M'Pherson, A. -	2,000	ditto -	7 Feb. "	Sutherland - ditto	"	"	"	2,000	
M'Donald, Allan -	50	ditto -	7 Feb. "	Evandale - ditto	"	"	"	50	
M'Donald, Hugh -	50	ditto -	7 Feb. "	ditto - ditto	"	"	"	50	
Murray, David -	1,000	ditto -	11 Feb. "	Wincanton - ditto	"	"	"	-	
M'Dowall, A. -	500	ditto -	14 Feb. "	Grantham - ditto	"	"	"	-	
M'Mahon, Matthew -	30	ditto -	26 Feb. "	Jarvis - ditto	"	"	"	30	
Morley, Henry -	800	ditto -	5 Mar. "	Brisbane - ditto	"	"	"	800	
Mulgrave, P. A. -	1,200	As original	6 May "	Lymington - ditto	"	"	"	1,200	-- Subject to quit-rent only.
Meeson, Tho ^s M. -	50	Additional	24 Mar. "	Hobart - ditto	"	"	C	50	
M'Ara, James -	50	Primary -	9 May "	Sorell - ditto	"	"	A	50	
Minnet, P. -	1,500	ditto -	12 May "	Adelphi - ditto	"	"	"	-	
Munroe, Mark -	60	Additional	1 June "	Evandale - ditto	"	"	C	60	
Morgan, Eliz. -	1,000	Primary -	1 June "	Salisbury - ditto	"	"	A	1,000	
Marsden, John -	30	ditto -	1 June "	Launceston - ditto	"	"	"	30	
Moles, Thomas -	100	ditto -	25 June "	Forbes - ditto	"	"	"	1,000	
M'Koy, John -	30	Additional	8 July "	Clarence - ditto	"	"	C	30	
Magell, Andrew -	30	ditto -	8 July "	Glenorchy - ditto	"	"	"	30	
Meekins, Thomas -	60	Primary -	6 Sept. "	Unlocated -	"	"	A	60	
Marshall, T. -	500	ditto -	6 Oct. "	Grafton - Parish	"	"	"	500	
Murray, Felix -	100	ditto -	17 Oct. "	Glenorchy - ditto	"	"	"	100	
M'Kie, D. -	100	ditto -	29 Nov. "	Canning - ditto	"	"	"	100	
Metcalf, James -	150	ditto -	14 Nov. "	Longford - ditto	"	"	"	150	
M'Lachlan, Charles -	1,000	ditto -	24 Nov. "	Gibbs - ditto	"	"	"	-	
Muir, John -	150	ditto -	4 Jan. 1826	Salisbury - ditto	1 Jan. 1826	2 d. p' acre	B	150	
M'Donald, Michael -	1,000	ditto -	6 Jan. "	North Esk River -	"	"	"	1,000	
M'Dearmid, ——— -	300	ditto -	1 Feb. "	Benlomond -	"	"	"	300	
M'Donald, E. -	350	ditto -	4 Feb. "	South Esk River -	"	"	"	350	
M'Leod, John -	50	ditto -	13 April "	Ralph's Bay Parish	"	"	C	50	
M'Kinnon, A. -	800	Additional	22 May "	Meander River -	"	"	"	300	
M'Rae, John -	800	Primary -	22 May "	Forbes - Parish	"	"	B	800	
Milne, William -	100	ditto -	"	Fakenham - ditto	"	"	"	100	
Mitchell, Andrew -	300	ditto -	20 June "	Durham - ditto	"	"	"	300	
Mather, R. -	800	Additional	20 June "	Ralph's Bay ditto	"	"	C	-	
Macoy, John -	40	Primary -	21 July "	Hobart - ditto	"	"	B	40	
Morrisby, Henry -	100	ditto -	31 July "	Prosser's Plains -	5 Nov. 1823	{15 s. per 100 acres}	A	-	
Mortimer, H. W. -	1,000	ditto -	11 Oct. "	Ralph's Bay Parish	"	"	"	-	
Murray, James -	150	ditto -	23 Dec. "	North Esk River -	1 Jan. 1826	2 d. p' acre	B	150	-- Subject to quit-rent only.
M'Lachlan, Charles -	500	Additional	4 Jan. 1827	Gibbs - Parish	"	"	C	-	
Murray, William -	700	Primary -	26 Jan. "	Forbes - ditto	"	"	B	700	
M'Leod, Donald -	2,000	{ Reserve confirmed }	5 May "	Perth - ditto	{ Prior to Nov. 1823 }	{ 1½ p' cent. on 10 s. }	A	2,000	-- Confirmed to his heirs.
M'Leod, Alexander -	2,000	Primary -	5 May "	Deddington - ditto	"	"	"	2,000	
Mowls, John -	50	Additional	13 Sept. "	Unlocated -	"	{ 2s. p' 100 acres - }	C	50	
M'Neilly, Samuel -	2,000	Primary -	3 Dec. "	Vincent - Parish	1 Jan. 1826	2 d. p' acre	B	-	
M'Cracken, Hugh -	700	ditto -	12 Jan. 1828	Brune - ditto	"	"	"	700	Residence enjoined.
Morrisby, James -	320	ditto -	6 Feb. "	Prosser's Plains -	"	"	"	320	
M'Leon, Hugh -	640	ditto -	11 Feb. "	Evandale - Parish	"	"	"	640	ditto - ditto.
Morrisby, John -	320	ditto -	27 Feb. "	Prosser's Plains -	"	"	"	320	ditto - ditto.
Moore, Jos. -	320	ditto -	29 Feb. "	{ Launceston & Brea- dalbane - }	"	"	"	320	ditto - ditto.
M'Leod, John, jun. -	800	Additional	25 Mar. "	Campton - Parish	"	"	C	800	
Marzetti, J. F. -	1,000	ditto -	25 Mar. "	Native Hut Rivulet	"	"	"	-	
Murray, D. -	500	ditto -	26 April "	Wincanton - Parish	"	"	"	1,500	
M'Intosh, H. -	2,000	Primary -	28 May "	Unlocated -	"	"	B	2,000	ditto - ditto.
Mansfield, W. T. -	100	ditto -	7 June "	Kingboro' - Parish	"	"	"	100	
Manifold, Thomas -	1,280	ditto -	7 June "	River Tamar -	"	"	"	1,280	Overseer enjoined. ditto - ditto.
Murdoch, R. W. -	2,000	ditto -	7 June "	Brisbane - Parish	"	"	"	-	
M'Dowall, A. -	500	Additional	12 June "	Grantham - ditto	"	"	C	-	
Mansfield, W. -	50	ditto -	16 June "	Glenorchy - ditto	"	"	"	50	
M'Kinchier, M. -	320	Primary -	22 Aug. "	Cleveland - ditto	"	"	B	320	
M'Lachlan, C. -	1,060	Additional	30 Aug. "	Gibbs - ditto	"	"	C	-	
M'Guinness, H. jun. -	320	ditto -	24 Sept. "	Bream Creek -	"	"	"	320	
M'Guinness, John -	320	ditto -	24 Sept. "	Parlton Parish -	"	"	"	320	
Meredith, Geo., jun. -	1,000	ditto -	27 Oct. "	Great Swan Port -	"	"	"	-	
Malcolm, William -	500	ditto -	19 Nov. "	Bathurst - Parish	"	"	"	1,000	Residence enjoined.
Marr, R. H. -	500	Primary -	9 Feb. 1829	Launceston - ditto	"	"	B	500	
Murdoch, Peter -	2,000	ditto -	30 Jan. "	Brisbane - ditto	"	"	"	-	
Matthison, Thomas -	1,000	ditto -	26 Feb. "	Queenboro' - ditto	"	"	"	1,000	
M'Rae, Thomas -	500	ditto -	27 Feb. "	Amherst - ditto	"	"	"	500	ditto - ditto.
Mills, Joseph -	320	ditto -	3 Mar. "	Beverley - ditto	"	"	"	320	
M'Dowall, Arch ^d -	400	Additional	5 Mar. "	Grantham - ditto	"	"	C	1,400	In exchange for land. Special conditions.
Murdoch, James -	2,560	Primary -	16 Mar. "	Brisbane - ditto	"	"	B	2,560	
Morrisby, H. -	220	Additional	10 April "	Prosser's Plains -	"	"	C	320	
M'Shane, Michael -	500	Primary -	30 April "	Melville - Parish	"	"	B	500	Residence enjoined.
M'Kersey, John -	640	ditto -	20 May "	Salisbury - ditto	"	"	"	640	
M'Laine, P. -	2,560	ditto -	27 May "	Spring Bay -	{ Military Re- gulations - }	free -	D	2,560	
M'Guinness, William -	260	Additional	10 July "	Bream Creek -	1 Jan. 1826	2 d. p' acre	C	260	
Maddox, J. G. -	500	Primary -	25 Aug. "	Ormaig - Parish	"	"	B	500	ditto - ditto.
M'Shane, H. -	320	ditto -	25 Aug. "	Melville - ditto	"	"	"	320	
M'Donald, R. -	320	Additional	4 Sept. "	Breadalbane - ditto	"	"	C	320	ditto - ditto.
M'Leod, John -	1,000	Primary -	10 Oct. "	River Tamar -	"	"	B	1,000	Special conditions.

(continued.)

RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor George Arthur—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Murphy, J. R.	1,000	Primary	16 Oct. 1829	River Tamar	Regulations of— 1 Jan. 1826	2d. per acre	B	1,000	Residence enjoined.
Moriarty, Wm.	2,560	ditto	6 Nov. "	River Rubicon	{Military Re- gulations - 1 Jan. 1826	"	"	320	Overseer enjoined.
Murray, John	320	ditto	8 Dec. "	York Parish	"	"	"	800	Special conditions.
Mayler, Robert	800	ditto	10 Dec. "	Launceston District	"	"	"	1,000	ditto - ditto.
Mawle, Joseph	1,000	ditto	12 Dec. "	Bream Creek	"	"	"	1,000	Residence enjoined.
M'Kinnon, Colin	1,000	ditto	23 Dec. "	River Meander	"	"	"	2,560	ditto - ditto.
Morrison, Askin	2,560	ditto	1 May 1830	Oatlands Parish	"	"	"	-	Void.
Murray, Angus	2,560	ditto	11 May "	Unlocated	"	"	"	800	
Murray, Hugh	800	Additional	1 June "	Abercromby Parish	"	"	C	2,150	
M'Neilly, Samuel	150	ditto	1 June "	Vincent - ditto	"	"	"	2,500	
Minnett, P.	1,000	ditto	5 June "	Adelphi - ditto	"	"	"	320	
M'Kinnon, Angus	320	Primary	9 June "	North Esk River	"	"	B	320	Residence enjoined.
Magnes, Arthur	320	ditto	21 June "	Breadalbane Parish	"	"	"	1,560	
Marzetti, J. F.	560	Additional	22 July "	Guilford - ditto	"	"	C	1,500	
Meredith, George	1,000	ditto	2 Aug. "	Great Swan Port Dis'	"	"	"	1,000	
Meredith, G. jun.	500	ditto	30 Nov. "	ditto - ditto	"	"	"	250	
Mackersey, James	1,000	ditto	30 Nov. "	Abercromby Parish	"	"	C	1,000	
Mawle, William	250	Primary	4 Jan. 1831	Unlocated	"	"	B	320	Residence enjoined.
Murray, R. L.	1,000	Additional	3 Jan. "	Queenboro' - Parish	"	"	C	640	
M'Carthy, C.	320	Primary	13 Jan. "	York - ditto	"	"	B	640	Residence enjoined.
M'Leod, A.	640	ditto	13 Jan. "	George's - River	"	"	"	640	- - Residence within seven years.
M'Leod, M.	640	ditto	13 Jan. "	ditto - ditto	"	"	"	3,060	ditto - ditto.
M'Lachlan, Chas.	500	Additional	5 Feb. "	Gibbs - Parish	"	"	C	500	Residence enjoined.
M'Lanachan, J.	500	ditto	25 Feb. "	Cornwallis - ditto	"	"	"	1,500	ditto - ditto.
M'Kenzie, Rod.	1,500	Primary	26 Feb. "	Unlocated	"	"	B	640	ditto - ditto.
Manbey, Richard	640	ditto	16 Mar. "	Western District	"	"	"	2,560	
Murdoch, J. W.	2,560	ditto	16 Mar. "	Eastern Marshes	"	"	"	1,000	
Manning, F.	500	Additional	25 Mar. "	Anglesea - Parish	"	"	C	320	
M'Cabe, P.	320	Primary	11 Apr. "	Guilford - ditto	"	"	B	3,560	
Moriarty, Wm.	1,000	Additional	11 Apr. "	George's River	"	"	C	2,560	
Montagu, John	2,560	Primary	20 Apr. "	Tierney - Parish	{Military Re- gulations - 1 Jan. 1826	"	"	2,500	Residence enjoined.
Murdoch, R. W.	500	Additional	7 May "	Brisbane - ditto	"	"	C	1,280	
M'Rae, H.	1,280	Primary	21 May "	Fortescue - ditto	"	"	B	380	
Murray, K.	320	Additional	25 May "	Breadalbane ditto	"	"	C	320	ditto - ditto.
M'Donald, James	320	Primary	31 May "	Great Swan Port	"	"	B	500	
Munroe, H.	500	Additional	10 June "	Morven District	"	"	C	150	ditto - ditto.
M'Kay, Jacob	150	Primary	30 June "	Spring Hill Parish	"	"	B	2,300	
Mather, Robert	300	Additional	12 July "	Ralph's Bay ditto	"	"	C	1,920	ditto - ditto.
Mackenzie, A.	1,920	Primary	18 July "	Cadbury - ditto	"	"	B	1,280	
M'Arthur, A.	1,280	ditto	28 July "	Unlocated	"	"	"	1,920	
M'Rae, D.	1,920	ditto	8 Aug. "	Abergavenny Parish	"	"	"	2,560	
Moodie, A.	2,560	Reserve	15 Aug. "	Cleveland - ditto	"	"	"	500	ditto - ditto.
M'Ewan, J.	500	Primary	11 Nov. "	Hill - ditto	"	"	"	1,500	
M'Donald, John	1,500	ditto	11 Nov. "	Unlocated	"	"	"	1,500	
Mortimer, H. W.	500	Additional	11 Nov. "	Ralph's Bay Parish	"	"	C	640	ditto - ditto.
Murdoch, P.	1,000	ditto	11 Nov. "	Brisbane - ditto	"	"	"	320	
Milbourn, H.	640	Primary	30 Nov. "	Bathurst - District	"	"	B	1,500	ditto - ditto.
Marriott, Thos.	320	ditto	8 Dec. "	Morven - ditto	"	"	"	320	
Munce, S.	1,500	ditto	8 Dec. "	Western - ditto	"	"	"	320	
Moore, John	320	ditto	28 Mar. 1832	Morven - ditto	"	"	"	2,560	
Murray, Alex.	2,560	ditto	24 July "	Sorell - ditto	{Military Re- gulations - 1 Jan. 1826	{Free for 15 years 2d. per acre	15 years hence B	100	
Moore, George	100	ditto	11 Sept. 1830	Queenboro' - Parish	"	free	D	320	
M'Geary, Alex.	320	ditto	16 July 1832	Campelton ditto	"	2d. per acre	C	4,000	
Murdoch, P.	1,000	Additional	1 Sept. "	Brisbane & Sligo ditto	"	"	B	1,500	
M'Kie, Samuel	1,500	Primary	20 Nov. "	Cape Portland	"	"	"	100	
M'Kenzie, John	100	ditto	12 Feb. 1833	Unlocated	"	"	"	1,920	
Moriarty, Ellen	1,920	ditto	6 June "	County of Devon	"	"	"	200	
Nicholas, Henry	200	ditto	3 Feb. 1825	River Ouse	5 Nov. 1823	{15s. per 100 acres}	A	60	
Newman, William	60	Additional	11 July "	Glenorchy - Parish	"	"	C	200	
Nelson, Thomas	200	Primary	6 Sept. "	Beverley - ditto	"	"	A	30	
Nicholson, William	30	ditto	10 July 1829	Unlocated - ditto	1 Jan. 1826	2d. per acre	B	2,560	Overseer enjoined.
Nicholls, Henry	2,560	ditto	7 June 1828	South Esk River	"	"	"	1,000	
Nicholas, Edward	1,000	Additional	31 Mar. "	Amherst Parish	"	"	C	320	
Nicholls, William	320	ditto	31 Mar. "	Port Cygnet	"	"	"	2,560	
Neilly, William	2,560	Primary	10 Oct. "	River Tamar	{Military Re- gulations - 1 Jan. 1826	"	B	500	Residence enjoined.
Nicholas, Edw. jun.	500	ditto	7 July 1830	Malmesbury Parish	"	"	C	500	
Nicholls, Wm. jun.	500	Additional	20 Apr. 1831	{Clarence Parish and Eastern Marshes}	"	"	"	2,560	
Newsom, George	2,560	Primary	22 Nov. "	Piper's River	"	"	B	200	
O'Connor, Rod.	2,000	ditto	6 Dec. 1824	Ramesbury - Parish	5 Nov. 1823	{15s. per 100 acres}	A	140	
Oakley, George	140	ditto	10 Mar. 1825	Wallace - ditto	"	"	"	30	
Okey, Tryce	30	ditto	1 June "	Rutland - ditto	"	"	"	200	
Olding, James	200	ditto	8 June "	Prosser's Plains	"	"	"	2,000	
Orr, W. M.	2,000	ditto	18 Oct. "	East Grinstead Parish	"	"	"	-	Payment for a waggon.
O'Connor, Rod.	200	Additional	19 Dec. 1827	Westbury - ditto	"	"	C	800	Residence enjoined.
Olding, Nathaniel	640	Primary	12 June 1828	Prosser's Plains	1 Jan. 1826	2d. per acre	B	300	
Olding, James	800	Additional	17 June "	ditto - ditto	"	"	C	2,000	Overseer enjoined.
Overell, W. J.	300	ditto	24 June "	Glenorchy Parish	"	"	"	1,000	Special conditions.
O'Ferrall, R.	2,000	Primary	6 Sept. "	Western District	{Regulations for Pub. Officers 1 Jan. 1826	"	B	5,400	
O'Connor, R.	1,200	Additional	4 Nov. "	Ramsbury - Parish	"	"	C	1,000	
Oakes, H.	1,000	ditto	4 Sept. 1829	New Norfolk - ditto	"	"	"	1,000	
O'Connor, Rod.	2,000	ditto	7 Aug. 1830	Lincoln - ditto	"	"	"		

APPROPRIATIONS OF CROWN LANDS IN VAN DIEMEN'S LAND.

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RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor George Arthur—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
O'Connor, D.	640	Additional	9 Sept. 1830	Oatlands Parish	Regulations of—				
Olding, N.	500	ditto	5 Apr. 1831	Prosser's Plains	1 Jan. 1826	2d. per acre	C	640	
Oliver, James	320	Confirmation of Reserve	14 Sept. 1832	Cleveland Parish	"	"	B	1,140	Residence enjoined.
Parker, James	800	Primary	2 June 1824	Lake River District	5 Nov. 1823	{15 s. per 100 acres}	A	320	
Pitcairn, Thomas	640	ditto	14 Oct. "	Uplands - Parish	"	"	"	640	
Pitcairn, Robert	800	ditto	14 Oct. "	ditto - ditto	"	"	"		
Philips, William	30	ditto	7 Feb. 1825	Launceston - ditto	"	"	"	30	
Prentice, William	60	{Appar. Primary}	7 Feb. "	St. Aubyn - ditto	"	"	"	60	
Popplewell, William	300	Primary	30 Apr. "	Carrick - ditto	"	"	"	300	
Pearsall, John	80	Additional	24 Mar. "	Clarence - ditto	"	"	C	80	
Prentice, Thomas	60	{Appar. Primary}	24 Mar. "	Unlocated -	"	"	A	60	
Peck, Jeremiah	60	ditto	1 June "	Evandale Parish	"	"	"	60	
Parrott, W. T.	150	ditto	16 June "	Unlocated -	"	"	"	150	
Pevor, John	2,000	Additional	4 July "	River Meander	{Prior to Nov. 1823}	2 s. per 100 acres	C	2,000	- - Subject to quit-rent only.
Ponsford, John	100	Primary	4 Nov. "	Unlocated -	5 Nov. 1823	{15 s. per 100 acres}	A	100	
Pender, William	100	ditto	12 Jan. 1826	Tierney Parish	1 Jan. 1826	2d. per acre	B	100	
Pitt, Francis	300	ditto	15 Apr. "	Green Ponds District	"	"	"		
Piper, Norfolk	500	ditto	8 July "	Western - ditto	"	"	"		- - Located to his sister (E. Gibson).
Presnell, John	500	Additional	31 July "	Cornwallis - Parish	"	"	C		
Phillips, Richard	15	ditto	11 Aug. "	Glenorchy - ditto	"	"	"	15	
Priest, R. R.	2,000	Primary	6 Oct. "	Western Lagoon	5 Nov. 1823	{15 s. per 100 acres}	A	2,000	Reserve confirmed.
Pearson, Temple	1,000	Additional	14 Aug. 1827	Campbelton - Parish	1 Jan. 1826	2d. per acre	B		
Plunkett, Robert	2,000	Primary	28 Dec. "	Cornwallis - ditto	"	"	C	2,000	Special conditions.
Parramore, W. T.	2,000	ditto	12 Jan. 1828	Pakenham - ditto	"	"	"	2,000	
Pyers, R.	30	ditto	Mar. "	Wellington - ditto	"	"	"	30	
Pullen, Jesse	70	ditto	29 Sept. "	Huntingdon - ditto	"	"	"	70	
Patterson, K.	560	Additional	7 Oct. "	Malmesbury - ditto	"	"	C	560	
Patterson, William	500	Primary	7 Oct. "	River Ouse -	"	"	B	500	
Pike, William	1,000	Additional	8 Oct. "	York - - Parish	"	"	C	1,000	
Prinsep, C. R.	2,560	Primary	17 Oct. "	Adelphi - ditto	"	"	B	2,560	ditto - ditto.
Petchey, John	1,000	Additional	27 Oct. "	Cambridge - ditto	"	"	C	1,000	
Parker, James	1,000	Primary	17 Nov. "	Western District -	"	"	B		
Parker, J. G.	500	Additional	17 Nov. "	Lake River -	"	"	C		
Patterson, George	320	Primary	19 Nov. "	Arundel Parish -	"	"	B	320	Permission to alienate.
Petrie, Dr.	2,000	ditto	16 Dec. "	Eastern Marshes -	"	"	"	2,000	Special conditions.
Pyke, J. T.	1,560	ditto	8 Jan. 1829	River Nile -	"	"	"		
Priaux, Henry	2,000	ditto	26 Mar. "	Launceston District	"	"	"	2,000	ditto - ditto.
Pitcairn, R.	800	Additional	22 Apr. "	Uplands - Parish	"	"	C	1,600	
Pybus, Richard	2,560	Primary	29 June "	Brune - ditto	"	"	B		
Paton, William	640	Additional	10 Oct. "	Lake River - District	"	"	C	640	
Parker, J. G.	400	ditto	23 Oct. "	ditto - ditto	"	"	"	2,700	
Patterson, Wm.	320	Primary	4 May 1830	Bream Creek -	"	"	B	320	Residence imposed.
Pitt, Richard	640	Additional	27 Jan. "	Perth - - Parish	"	"	C	640	
Pybus, Richard	100	ditto	13 Feb. "	Coningham - ditto	"	"	"	2,660	
Parker, Thomas	2,560	Primary	26 Apr. "	Western District -	"	"	B	2,560	
Peter, Charles	320	ditto	1 May "	South Esk River -	"	"	"	320	ditto - ditto.
Parramore, George	1,000	Additional	9 June "	Pakenham - Parish	"	"	C	1,000	
Prosser, Thomas	300	ditto	6 July "	Launceston - ditto	"	"	"	300	ditto - ditto.
Pearson, T.	1,000	ditto	18 July "	Salisbury - ditto	"	"	"	2,000	
Pillinger, J.	320	Primary	9 Sept. "	Cornwallis - ditto	"	"	B	320	ditto - ditto.
Pigeon, J.	100	ditto	14 Sept. "	Malvern - ditto	"	"	"	100	ditto - ditto.
Pitcher, Joseph	100	ditto	17 Sept. "	Launceston - ditto	"	"	"	100	ditto - ditto.
Perriman, G. L.	500	Additional	30 Nov. "	Strangford - ditto	"	"	C	500	ditto - ditto.
Plastow, Joseph	50	Primary	24 Dec. "	Huntingdon - ditto	"	"	B	50	
Pitt, Philip	300	Additional	22 Jan. 1831	Beaufort - ditto	"	"	C		
Pierce, Hugh	20	Primary	11 Feb. "	Carlton - ditto	"	"	B	20	
Panton, Edward	320	ditto	25 Feb. "	Huntingdon - ditto	"	"	"	320	ditto - ditto.
Paterson, Alexander	1,000	Additional	18 Mar. "	St. Patrick's River	"	"	C	1,000	
Parramore, Thomas	1,280	Primary	2 Apr. "	Pakenham - Parish	"	"	B	1,280	
Paterson, J.	320	ditto	13 Apr. "	East Grinstead ditto	"	"	"	320	ditto - ditto.
Proctor, W.	1,500	ditto	13 Apr. "	Queenborough ditto	"	"	"	1,500	ditto - ditto.
Parsons, C. O.	1,560	ditto	13 Apr. "	River Dee -	"	"	"		
Pitt, O.	500	Additional	25 May "	Pelham Parish -	"	"	C	800	
Pierce, Thomas	500	Primary	18 June "	Brune Island (south)	"	"	B	500	ditto - ditto.
Pratt, Edward	640	ditto	27 June "	Yarlington - Parish	"	"	"	640	ditto - ditto.
Pearse, P. & J.	640	ditto	12 July "	Oatlands - ditto	"	"	"	640	ditto - ditto.
Patterson, J. H.	1,000	ditto	11 Nov. "	Grafton - ditto	"	"	"	1,000	
Pyke, J. T.	1,000	{Reserve Additional}	19 Mar. 1832	Lymington - ditto	"	"	C	2,560	
Fritchard, P.	320	Additional	29 June "	Melville - ditto	"	"	"	320	
Presnell, John	30	ditto	31 Dec. "	Unlocated -	"	"	"	530	
Parsons, C. O.	1,000	ditto	5 Jan. "	River Dee -	"	"	"	2,560	
Quinton, B.	300	ditto	11 Mar. 1829	Carlton - Parish	"	"	"	300	
Ross, William	200	Primary	15 May 1824	Forbes' - ditto	Nov. 1823	{15 s. per 100 acres}	A		
Reeves, Samuel	640	ditto	1 June "	Lymington - ditto	"	"	"		
Reibey, George	1,400	ditto	10 Sept. "	Adelphi - ditto	"	"	"		
Ries, F.	500	ditto	15 Sept. "	White Kangaroo River	"	"	"		
Ross, Hugh	1,000	ditto	9 Oct. "	Apsley Parish -	"	"	"	1,000	
Robinson, G. W.	200	ditto	4 Nov. "	New Norfolk Parish	"	"	"	200	
Ralston, Robert	800	ditto	22 Nov. "	Morven District -	"	"	"		
Roberts, Joseph	60	ditto	4 Feb. 1825	River Clyde -	"	"	"	60	

RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor *George Arthur*—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Reynolds, David	240	Additional	7 Feb. 1825	Break-o'-day District	Regulations of— Nov. 1823	{ 15s. per 100 acres }	C	240	
Rumney, E. A.	100	Primary	7 Feb. "	Ormaig - Parish	"	"	A	100	
Rennie, P.	30	ditto	7 Feb. "	New Norfolk ditto	"	"	A	30	
Roach, James	40	ditto	18 April "	Arundel - ditto	"	"	"	40	
Radley, William	80	ditto	30 April "	Breadalbane ditto	"	"	"	80	For certain buildings.
Riley, Thomas	50	ditto	24 Mar. "	Glenorchy - ditto	"	"	"	50	
Rose, Francis	100	ditto	24 Mar. "	Unlocated - -	"	"	"	100	
Russell, George	700	ditto	2 May "	Deddington - Parish	"	"	"	700	
Reardon, John	30	ditto	11 May "	Forcett - ditto	"	"	"	30	
Roberts, William	50	ditto	1 June "	Unlocated - -	"	"	"		
Redpath, W.	150	Additional	1 June "	ditto - -	"	"	"		
Ralston, John	300	Primary	1 June "	Deddington - Parish	"	"	A	300	
Robinson, Henry	50	ditto	1 June "	Forcett - ditto	"	"	"	50	
Reeves, Thomas	30	ditto	25 June "	Unlocated - -	"	"	"	30	
Richardson, John	150	ditto	12 Oct. "	Blackman's River -	"	"	"	150	
Ritchie, Thomas	500	Additional	3 Nov. "	Western District -	"	"	C		
Robertson, James	800	Primary	7 Nov. "	Durham - Parish	"	"	A		
Radcliffe, James	500	ditto	9 Jan. 1826	Ralph's Bay - ditto	1 Jan. 1826	2d. per acre	B	50	
Reibey, J. H.	1,000	Additional	7 April "	Sillwood - ditto	"	"	C	1,000	
Reibey, Thomas	1,000	ditto	7 April "	- ditto - ditto	"	"	"		
Robertson, William	500	Primary	6 June "	Ovoca - ditto	"	"	B	500	
Robertson, Adam	300	ditto	29 June "	Eldon - ditto	"	"	"	300	
Robertson, William	200	ditto	29 June "	Abercromby ditto	"	"	"	200	
Robertson, James	200	Additional	25 Aug. "	Campbelton ditto	"	"	C	1,000	
Reid & Co.	100	ditto	15 Aug. 1827	Lennox - ditto	"	"	"		For a distillery.
Reeve, John	250	Primary	27 Nov. "	Strangford ditto	"	"	B	250	- - For erection of a tread-mill.
Reibey, George	300	Additional	6 Dec. "	River Meander -	{ Prior to Nov. 1823 }	{ 2 s. per 100 acres }	C	1,700	
Ritchie, Tho ^s , R.N.	800	ditto	12 Jan. 1828	Western District -	Jan. 1826	2d. per acre	"	1,300	
Reed, Henry	640	Primary	5 Feb. "	River Nile - -	"	"	B	640	
Rice, Henry	10	Additional	11 Feb. "	Glenorchy Parish -	{ Prior to Nov. 1823 }	{ 2 s. per 100 acres }	C	10	
Ransom, Thomas	600	ditto	29 Feb. "	Break-o'-day River -	Jan. 1826	2d. per acre	"	600	
Ramus, H.	2,560	Primary	- - -	River Dee - -	"	"	B	2,560	
Rumney, William	1,000	Additional	27 Mar. "	Clarence Parish -	"	"	C	1,000	
Ralston, Gavin	1,000	Primary	7 June "	{ Middle Arm River Tamar - - }	"	"	B	1,000	Special conditions.
Ruffey, W. J. & F.	1,000	Additional	9 June "	Point Rapid - -	"	"	C	1,000	
Ralston, D.	500	Primary	12 June "	Morven - District	"	"	B	500	ditto - ditto.
Roberts, Miss J. F.	500	ditto	3 Sept. "	Lake River - ditto	"	"	"	500	
Roberts, William	70	Additional	17 Nov. "	Ralph's Bay Parish -	"	"	C	100	
Ries, P.	300	ditto	2 Dec. "	White Kangaroo River	"	"	"	800	
Reid, Alexander	560	ditto	16 Dec. "	Vincent - Parish	"	"	"		
Robertson, Thomas	320	Primary	26 Dec. "	Eldon - ditto	"	"	B	320	Residence imposed.
Robertson, Gilbert	500	Additional	29 Dec. "	White Kangaroo River	"	"	C		
Redpath, Walter	150	ditto	27 Feb. 1829	Unlocated - -	1 Jan. 1826	"	"	150	
Richardson, William	10	ditto	27 Feb. "	Ralph's Bay Parish	"	"	"	10	
Rowe, John	500	Primary	27 Mar. "	Launceston - ditto	"	"	B	500	
Robson, George	2,560	ditto	30 Mar. "	Durham - ditto	{ Military Re- gulations }	- - -	-	2,560	
Robinson, G. A.	500	ditto	10 April "	Brune Island - -	Jan. 1826	"	"	1,500	ditto - ditto.
Ralston, M.	640	ditto	9 May "	Deddington - Parish	"	"	"	640	ditto - ditto.
Ross, William	300	Additional	3 July "	Forbes' - ditto	"	"	C	500	
Reibey, Thomas	1,300	ditto	28 Aug. "	River Meander -	"	"	C	2,300	
Robertson, D.	1,560	Primary	3 Oct. "	{ Sligo and Bandon Parishes - - }	"	"	B	1,560	
Rosevear, William	640	ditto	24 Nov. "	River Tamar - -	"	"	B	640	ditto - ditto.
Reid, Alexander	25	Additional	3 Dec. "	Unlocated - -	"	"	C		
Reid, James	1,000	ditto	10 Dec. "	{ Point Rapid and River Tamar - }	"	"	C	1,000	
Roper, Frederick	1,000	Primary	31 Dec. "	Dulverton Parish -	"	"	B	1,000	
Reeves, Samuel	560	Additional	27 Apr. 1830	Unlocated - -	"	"	C	1,200	
Roberts, Peter	2,560	ditto	3 May "	{ Brisbane and Newick Parishes - - }	"	free	D	2,560	
Radford, George	320	Primary	24 May "	River Tamar - -	"	2d. per acre	B	320	ditto - ditto.
Radcliffe, James	2,560	ditto	18 July "	Little Swan Port -	"	"	"	2,560	ditto - ditto.
Reeves, John	300	ditto	20 July "	Kingbore' - Parish	"	"	"	300	ditto - ditto.
Ross, James	300	Additional	9 Sept. "	Hobart - ditto	"	"	G	300	ditto - ditto.
Reid, Andrew	640	Primary	22 Dec. "	Huntingdon ditto	"	"	B	640	ditto - ditto.
Howeroft, H.	1,280	Additional	6 Jan. 1831	Carriack - ditto	"	"	C	1,280	
Radford, John	320	Primary	8 Feb. "	Great Swan Port -	"	"	B	320	
Roberts, W.	320	ditto	25 Feb. "	Wallace - Parish	"	"	"	320	
Reid, Alexander	1,000	Additional	4 Mar. "	Vincent - ditto	"	"	C	1,560	
Robertson, Hugh	1,000	ditto	10 Mar. "	Eldon - ditto	"	"	"	1,000	
Ring, W. J.	320	Primary	2 April "	Wellington - ditto	"	"	B	320	ditto - ditto.
Robins, Charles	200	ditto	13 April "	Yarlington - ditto	"	"	"	200	ditto - ditto.
Robinson, G. A.	2,560	Additional	19 Feb. "	{ Abercromby and Chatsworth ditto }	"	"	C	-	ditto - ditto.
Robson, H. E.	1,500	Primary	30 Mar. 1829	Peel - - ditto	"	"	B	1,500	ditto - ditto.
Robins, John	200	ditto	13 Apr. 1831	Yarlington - ditto	1 Jan. 1826	"	"	200	ditto - ditto.
Reid, A.	320	ditto	20 May "	Swan Port - -	"	"	"	320	ditto - ditto.
Rumney, W., jun.	320	ditto	10 June "	Coal River - -	"	"	"	320	ditto - ditto.
Robertson, M.	500	Additional	13 Aug. "	Ramsbury - Parish	"	"	C	500	
Ralston, R.	700	ditto	11 Nov. "	Lymington - ditto	"	"	"	1,500	
Robertson, Alex ^r	1,280	Primary	8 Dec. "	Unlocated - -	"	"	B	1,280	
Rose, Alexander	1,000	Additional	13 Feb. 1832	Western - District	"	"	"	1,000	
Robertson, Gilbert	1,000	ditto	27 May "	Bathurst - ditto	"	"	C	1,500	Special conditions.
Rosendale, George	320	Primary	13 July "	Unlocated - -	"	"	B	320	
Stuart George	640	ditto	6 Nov. 1824	Launceston District	5 Nov. 1823	{ 15 s. per 100 acres }	A	640	

APPROPRIATIONS OF CROWN LANDS IN VAN DIEMEN'S LAND.

RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor George Arthur—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Stokell, George	500	Primary	18 Nov. 1824	Clarence Plains Parish	Regulations of— 5 Nov. 1823	{15 s. per 100 acres}	A		
Smith, Thomas	100	Appar. ditto	4 Feb. 1825	Launceston District	"	"	"	100	
Somerville, William	60	ditto	4 Feb. "	Carrick - Parish	"	"	"	60	
Stanfield, Thomas	150	Additional	7 Feb. "	Melville - ditto	"	"	C	150	
Stanfield, D. jun.	340	ditto	7 Feb. "	Break-o'-day Plains - ditto	"	"	"		
Stanfield, D. sen.	300	ditto	7 Feb. "	"	"	"	"	300	
Shone, Thomas	200	ditto	12 Feb. "	River Ouse -	"	"	"		
Sutherland, J. C.	500	ditto	15 Feb. "	Lennox - Parish	"	"	"		
Stewart, George	100	Primary	26 Feb. "	Padbury - ditto	"	"	A		
Stephen, Alfred	2,000	ditto	10 March "	Chatsworth - ditto	"	"	"	2,000	
Smith, John	30	Appar. ditto	18 April "	River Tamar -	"	"	"	30	
Salter, George	300	Additional	28 March "	Argyle Parish	"	"	C	300	
Spencer, Thomas	300	{Appar. Primary}	28 March "	River Meander	"	"	A	300	
Simpson, James	1,000	ditto	2 May "	Salisbury Parish	"	"	"		
Scott, James	100	Primary	9 May "	Unlocated -	"	"	"		Void.
Sutherland, D.	300	Additional	1 June "	North Esk River -	"	"	C	300	
Smith, B.	50	ditto	1 June "	River Tamar -	"	"	"	50	
Stubbs, B.	30	{Appar. Primary}	1 June "	Launceston District	"	"	A	30	
Sams, W. G.	1,200	Primary	1 June "	Brumby Rivulet -	"	"	"	1,200	- - Subject to a fine of
Swaine, George	30	Additional	1 June "	Arundel Parish -	"	"	C	30	6d. per acre.
Smith, William	50	-	1 June "	Not located -	"	"	"		
Sprent, John	100	Additional	8 July "	River Tamar -	"	"	C		
Smith, E. P.	500	Primary	12 July "	Unlocated -	"	"	A	500	
Salter, James	200	Appar. ditto	6 Sept. "	Argyle Parish -	"	"	"		
Stonehouse, Robert	60	Additional	6 Sept. "	Launceston District	"	"	C	60	
Smith, John	300	ditto	6 Sept. "	Breadalbane Parish -	"	"	"	300	
Stocker, W. T.	200	ditto	6 Sept. "	"	"	"	"	200	
Schultze, Fred.	500	Primary	8 Sept. "	St. Aubin - Parish	"	"	A	500	
Steele, Joseph	2,000	ditto	20 Dec. "	Carlton - ditto	"	"	"		
Smith, Sarah	200	Additional	6 Mar. 1826	Jervis - ditto	Jan. 1826	2d. per acre	C	200	
Smith, M. L.	2,000	Primary	8 March "	River Rubicon -	"	"	B		Overseer enjoined.
Skardon, G. B.	2,000	ditto	12 April "	Pakenham - Parish	"	"	"		
Sharland, William	600	Additional	12 April "	Guilford - ditto	"	"	C		
Stanley, William	-	ditto	16 May "	"	"	"	"		Cancelled.
Scote, George	200	Primary	22 May "	Cadbury - Parish	"	"	B		
Scott, Thomas	1,000	Additional	22 May "	Glenmorrison ditto	"	"	C		
Sinclair, John	300	ditto	24 June "	South Esk River -	"	"	"		
Stuart, Alexander	200	Primary	29 June "	Campbelton - Parish	5 Nov. 1823	{15s. per 100 acres}	A	200	
Shoebridge, William	20	Additional	4 Aug. "	Hobart - ditto	"	"	"		
Salter, James	120	ditto	14 Sept. "	Argyle - ditto	Jan. 1826	2d. per acre	C	320	For a hop ground.
Stallard, William	1,000	Primary	3 Feb. 1827	Ralph's Bay ditto	"	"	B	1,000	
Smith, Andrew	300	ditto	18 April "	Abergavenny ditto	5 Nov. 1823	{15s. per 100 acres}	A		
Scott, James	1,200	Additional	4 May "	Vincent - ditto	"	"	"		Vide 11 May 1824.
Sorell, Col.	1,005	ditto	29 Sept. "	Hamilton - ditto	"	"	C		Vide 3 March 1824.
Sampson, J. W.	320	Primary	4 Oct. "	Unlocated -	Jan. 1826	2d. per acre	B	320	Special conditions.
Stewart, R. P.	2,560	ditto	9 Nov. "	Launceston District -	{Military Re- gulations. Jan. 1826}	2d. per acre	B	320	ditto - ditto.
Stead, D.	320	ditto	8 Dec. "	Break-o'-day River	"	"	"	500	ditto - ditto.
Senior, John	500	ditto	12 Jan. 1828	River Nile -	"	"	"		ditto - ditto.
Smith, A.	640	ditto	14 Jan. "	Break-o'-day River -	"	"	"	640	ditto - ditto.
Stewart, George	540	Additional	19 Jan. "	Cadbury - Parish	"	"	C		
Stacey, John	320	Primary	11 Feb. "	Forcett - ditto	"	"	B	320	ditto - ditto.
Simpson, T. C.	2,000	Additional	28 May "	Lincoln - ditto	"	"	C	2,000	
Smith, James	800	-	24 June "	Unlocated -	"	"	"	800	ditto - ditto.
Sharland, William	1,000	Additional	24 June "	Guilford - Parish	"	"	C		
Secombe, William	2,000	Primary	16 July "	Winterton - ditto	"	"	B	2,000	ditto - ditto.
Simpson, James	1,560	Additional	29 July "	Trefusis - ditto	"	"	C	2,560	
Stokell, George	700	ditto	6 Aug. "	{Clarence and Cam- bridge Parishes -}	5 Nov. 1823	{15s. per 100 acres}	"	1,200	
Spence, James	1,000	Primary	6 Aug. "	River Tamar -	{Regulations respecting Public Officers Jan. 1826}	2d. per acre	B	1,000	
Smith, Thomas	1,000	Additional	27 Aug. "	Carlton Parish -	"	"	C	1,000	
Synnot, F.	1,000	ditto	30 Aug. "	Swan River -	"	"	"	1,000	
Stallard, J. P.	500	Primary	24 Sept. "	Brune Island -	"	"	B	500	
Scott, George	800	Additional	24 Sept. "	Peel - Parish	"	"	C	800	
Sherwin, John	700	ditto	24 Sept. "	Vincent - ditto	"	"	"	700	
Sutherland, J. C.	1,000	ditto	9 Oct. "	Tierney - ditto	"	"	"	1,500	
Sinclair, John	500	ditto	27 Oct. "	South Esk River -	"	"	"	800	
Skirving, John	500	Primary	16 Dec. "	Anglesea - Parish	"	"	B	500	
Spode, Joseph	1,000	Additional	2 Jan. 1829	Landsdowne ditto	"	"	C	1,000	Special conditions.
Sharland, J. F.	1,000	Primary	31 Dec. 1828	Guilford - ditto	"	"	B	1,000	
Stuart, R. P.	2,560	ditto	20 Feb. 1829	North Esk River -	"	"	"	2,560	
Spotswood, John	2,560	ditto	2 March "	Blackman's Bay -	{Military Re- gulations}	free	D	2,560	
Sherwood, John	320	ditto	16 March "	Launceston District	"	"	B	320	Residence imposed.
Smith, Andrew	200	Additional	13 April "	Abergavenny Parish	"	"	C	200	
Steele, Joseph	1,000	ditto	10 April "	Carlton - ditto	{Military Re- gulations Jan. 1826}	free	"		
Smith, Francis	2,560	Primary	22 April "	Prossers Plains District	"	2d. per acre	B	2,560	
Scott, Thomas	560	Additional	15 May "	Breadalbane Parish	"	"	C	1,560	
Swanston, C.	2,560	Primary	22 May "	Trefusis - ditto	"	"	B	2,560	Special conditions.
Steele, George	1,280	ditto	22 May "	" No where else" -	"	"	"	1,280	
Scott, S. T.	500	ditto	13 June "	Campbelton Parish -	"	"	"	500	Residence imposed.
Storey, G. F.	750	ditto	17 June "	Swan Port District	"	"	"	750	

(continued.)

RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor *George Arthur*—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Sprunt, John	250	{ Appar. } Additional	16 July 1829	Launceston Parish	Regulations of— Jan. 1826	2 d. per acre	C	250	
Saltmarsh, William	500	Additional	20 July "	Western Rivulet	"	"	B	800	Residence imposed.
Scott, James	800	Primary	28 July "	River Meander	"	"	"	2,000	ditto - ditto.
Steiglitz, F. L.	2,000	ditto	12 Sept. "	Break-o'-day River	"	"	"	1,000	ditto - ditto.
Synnott, William	1,000	ditto	12 Sept. "	Swan River	"	"	"	320	ditto - ditto.
Scott, P. B.	320	ditto	1 Dec. "	Launceston District	"	"	"	2,560	ditto - ditto.
Steele, William	2,560	ditto	12 Dec. "	{ Cape Henderson } East Coast	"	"	"	3,560	
Stewart, R. P.	1,000	Additional	28 Dec. "	Launceston District	"	"	C	1,000	Overseer.
Stephen, George	1,000	Primary	26 Jan. 1830	Rutland - Parish	"	"	B	320	Residence.
Smith, Adam	320	ditto	23 Feb. "	Forbes - ditto	"	"	"	3,000	
Skardon, G. B.	1,000	Additional	23 March "	Pakenham - ditto	"	"	C	1,000	
Saltmarsh, William	500	ditto	7 June "	Western Rivulet	"	"	"	100	Residence.
Sherbard, John	100	Primary	27 Aug. "	Kingboro' - Parish	"	"	B	400	ditto.
Shone, Thomas	200	Additional	8 Sept. "	Arundel - ditto	"	"	C	3,050	
Steele, Joseph	50	ditto	9 Dec. "	Carlton - ditto	"	"	"	500	Residence imposed.
Smith, J. G.	500	Primary	18 Dec. "	Eastern Marshes	"	"	B	320	ditto - ditto.
Sullivan, D.	320	ditto	9 Dec. "	Abercromby Parish	"	"	"	1,000	Special conditions.
Sutherland, George	1,000	ditto	4 Jan. 1831	Fortescue - ditto	"	"	"	1,500	Residence.
Steiglitz, H.	1,500	ditto	17 Jan. "	St. Paul's River	"	"	"	320	ditto.
Seringer, George	320	ditto	1 Feb. "	Brune Island -	"	"	"	2,560	
Smith, M. L.	560	Additional	1 Feb. "	Western District	"	"	C	2,000	
Storey, J. W.	2,000	Primary	8 Feb. "	Eastern Marshes	"	"	B	320	
Stockman, D.	320	ditto	9 Feb. "	Somerton - Parish	"	"	"	640	
Seymour, J. C.	640	ditto	21 May "	Huntingdon ditto	"	"	"	1,500	
Scott, Thomas	1,500	Additional	31 May "	Launceston - ditto	"	"	C	840	
Stanfield, Daniel	500	ditto	31 May "	Eastern Marshes	"	"	"	500	
Sherwin, John, jun.	500	Primary	27 June "	Abergavenny Parish	"	"	B	320	Residence.
Swift, John	320	ditto	18 July "	Glenorchy - ditto	"	"	"	2,560	- - Special conditions,
Steiglitz, F. W.	2,560	ditto	30 July "	St. Andrew's ditto	"	"	"	2,160	and in lieu of 850
Sharland, W. S.	560	Additional	11 Nov. "	Abergavenny ditto	"	"	C	860	acres ordered 22 Sep.
Spode, Joseph	860	ditto	1 Jan. 1832	Hamilton - ditto	"	"	"	12	1820.
Surridge, Robert	12	Primary	19 June "	Unlocated -	"	"	B	400	
Sherratt, Charles	400	ditto	8 July 1833	ditto -	"	"	"	500	
Thompson, John	500	ditto	20 July 1824	ditto -	5 Nov. 1823	{ 15 s. per } { 100 acres }	A	500	
Thompson Claud.	500	Additional	25 Sept. "	Macquarie River	"	"	C	100	
Triffith, Thomas	500	ditto	25 Sept. "	Near River Ouse	"	"	"	800	
Triffith, James, sen.	500	ditto	7 Sept. "	Guilford -	"	"	"	150	
Triffith, James, jun.	500	ditto	25 Sept. "	River Ouse -	"	"	"	100	
Townsend, James	60	{ Appar. } Primary	4 Feb. 1825	Launceston - Parish	"	"	A	60	
Terry, Thomas	100	ditto	15 Feb. "	Wellington - ditto	"	"	"	800	
Thompkins, M. R.	800	ditto	8 March "	Westbury - ditto	"	"	"	150	
Thirkell, Robert	150	Additional	25 March "	Cadbury - ditto	"	"	C	100	
Thatcher, Joseph	100	{ Appar. } Primary	9 May "	Landsdowne - ditto	"	"	A	100	
Turnbull, Adam	1,200	ditto	1 June "	River Meander	"	"	"	800	
Turnbull, J. G.	800	ditto	1 June "	Bathurst - Parish	"	"	"	1,000	
Turnbull, Susannah	1,000	ditto	1 June "	Campbelton ditto	"	"	"	1,000	
Towers, James	1,000	ditto	24 Nov. "	St. Paul's River	"	"	"	100	
Taylor, Roger	100	ditto	28 Nov. "	Distillery Creek	"	"	"	-	Void.
Turnley, George	1,000	ditto	22 Dec. "	Unlocated -	"	"	"	1,000	
Thomas, E. H.	1,000	ditto	11 Jan. 1826	Cleveland - Parish	1 Jan. 1826	2 d. per acre	B	50	
Tucker, William	50	ditto	4 Jan. "	Unlocated -	"	"	"	1,000	
Triffett, Thomas	500	Additional	1 Feb. "	Abergavenny ditto	"	"	"	500	
Turnbull, A. M.	500	Primary	22 May "	Tierney - ditto	"	"	"	500	
Taylor, George, jun.	500	Additional	9 Aug. "	Cadbury - ditto	"	"	"	500	
Thomas, Joc.	1,000	ditto	22 Feb. 1827	Salisbury - ditto	5 Nov. 1823	{ 15 s. per } { 100 acres }	"	200	
Thompson, David	200	Primary	- -	Rochford - ditto	"	"	A	100	- - Vide Reid & Co.,
Turnbull, Adam	100	Additional	2 May "	Lennox - ditto	Jan. 1826	2 d. per acre	C	100	2 May 1827.
Thomas, B. B., & Co.	10,000	Reserve	5 Sept. "	{ Cressy and Little } { Hampton Parishes }	"	"	"	100	
Thomson, George	1,000	Additional	15 Sept. "	Rochford - Parish	5 Nov. 1823	{ 15 s. per } { 100 acres }	C	20,000	Special conditions.
Turnbull, Adam	800	ditto	26 Sept. "	Bathurst - ditto	"	"	"	1,280	
Trenery, Matthew	320	Primary	11 Feb. 1828	Breadalbane - ditto	Jan. 1826	2 d. per acre	B	2,560	
Thomas, B. B., & Co.	10,000	ditto	4 Sep. 1826	- - -	"	"	"	1,000	
Thomson, Arch ^d	500	Additional	22 Mar. 1828	River Tamar -	"	"	C	1,280	
Tolmey, Andrew	1,280	Primary	16 July "	Ormaig Parish	"	"	B	2,560	
Torlesse, H. B.	2,560	ditto	5 Aug. "	{ Hamilton & Pel- } { ham Parishes }	{ Military Regu- } { lations } { Prior to Nov. } { 1823 - }	free -	D	3,000	
Thorn, Samuel	50	Additional	29 Aug. "	Forcett - Parish	Jan. 1826	{ 2 s. per } { 100 acres }	C	60	Residence imposed.
Turnbull, Adam	1,000	ditto	17 Nov. "	Bathurst - ditto	"	2 d. per acre	"	10	
Tibbs, John, sen.	60	{ Appar. } Primary	28 Jan. 1829	Launceston District	"	"	B	1,000	
Tonge, C. T.	10	Primary	30 Jan. "	Glenorchy - Parish	- - -	- - -	"	1,500	
Thrupp, Henry	1,000	Additional	14 March "	Wallace - ditto	1 Jan. 1826	2 d. per acre	C	1,280	Residence imposed.
Thornlow, James	320	ditto	5 May "	Perth - ditto	"	"	"	320	
Talbot, William	1,500	ditto	27 May "	Break-o'-day River	"	"	"	1,300	
Thornloe, James	550	Primary	15 June "	Perth - Parish	"	"	B	1,000	
Tennant, George	1,280	ditto	12 Sept. "	Wallace - ditto	"	"	"	150	
Thrupp, Alfred	320	Additional	31 Dec. "	Drummond ditto	"	"	C	300	
Thomas, Joc.	1,000	ditto	27 Mar. 1830	Salisbury - ditto	"	"	"	320	Residence imposed.
Thomson, A.	800	ditto	2 June "	Launceston District	"	"	"	1,300	
Turnley, George	1,000	Primary	20 July "	Grafton - Parish	"	"	B	1,000	
Thorn, Samuel	100	Additional	22 July "	Forcett - ditto	"	"	C	150	Overseer.
Thomson, Adam	300	ditto	24 Aug. "	Henry - ditto	"	"	"	300	
Tolman, J. C.	320	Primary	13 Jan. 1831	Somerset - ditto	"	"	B	320	

APPROPRIATIONS OF CROWN LANDS IN VAN DIEMEN'S LAND.

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RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor George Arthur—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Tabart, F. G.	2,560	Primary	22 Jan. 1831	Eastern Marshes	Regulations of— { Naval Regu- lations } Jan. 1826	free	D		
Turner, W. S.	1,000	ditto	24 Jan. "	Hamilton Parish	"	2d. per acre	B	1,000	
Thompson, John	640	ditto	8 Feb. "	Unlocated	"	"	B	640	
Thornloe, J.	630	Additional	12 Mar. "	Perth - Parish	"	"	C	1,500	
Templeton, Mrs.	2,560	Primary	20 Apr. "	Trefusis - ditto	"	"	B	2,560	Special conditions.
Thorne, R.	320	ditto	21 May "	Forcett - ditto	"	"	"	320	Residence imposed.
Triffett, James, sen.	800	Additional	25 May "	Near River Dee	"	"	C	1,300	
Till, John	640	Primary	27 April "	Drummond Parish	"	"	B		
Triffett, James, jun.	300	Additional	31 May "	Rutland - ditto	"	"	C	800	
Todd, John	1,000	Primary	29 April "	Fortescue - ditto	"	"	B	1,000	
Thomson, John	500	Additional	10 June "	Rutland - ditto	"	"	C	1,000	
Twist, James	80	Primary	27 June "	Unlocated	"	"	B	80	
Thomas, Jock	300	Additional	21 Jan. 1832	Evandale - Parish	"	"	C	2,300	- - Quit-rent from Jan. 1831.
Thomson, George	1,000	ditto	26 Oct. 1831	"	"	"	"	2,000	
Thomas, J. B.	500	ditto	8 Feb. 1832	St. Aubin Parish	"	"	"	500	
Thomson, Alexander	2,560	Primary	2 Feb. "	Break-o'-day District	"	"	B	2,560	
Thomas, Widow	2,560	ditto	13 April "	Unlocated	"	"	"	2,560	
Taylor, Allen	640	ditto	3 Apr. 1834	Near Moulting Bay	"	"	"	640	Residence imposed.
Tabart, F. G.	2,000	{ Reserve Additional }	17 June "	Bandon Parish	"	"	C	4,560	
Urquhart, William	500	Primary	8 Mar. 1826	Lake River	"	"	B	500	
Umphelby, W. H.	640	ditto	13 Oct. 1831	Abergavenny Parish	"	"	"	640	Residence enjoined.
Vaughan, T. H.	2,560	ditto	23 Sept. 1829	Native Plains	{ Military Re- gulations } Jan. 1826	"	"	2,560	
Vineat, John	500	Additional	14 Jan. 1830	Maxwell - Parish	"	"	C	500	
Viveash, C. B.	2,560	Primary	16 Mar. 1831	Abercromby ditto	"	"	B	2,560	
Vicary, Michael	2,560	ditto	21 Apr. 1834	Milton - ditto	{ Military Re- gulations }	free	D	2,560	
V. D. Land Com- pany	150,000	ditto	- - -	Cape Grim	"	"	"		
	150,000	ditto	- - -	Surrey Hills	"	"	"		
	10,000	ditto	- - -	Hampshire Hills	"	"	"		
	10,000	ditto	- - -	Middlesex Plains	"	"	"	350,000	
	20,000	ditto	- - -	Circular Head	"	"	"		
	10,000	ditto	- - -	Islands	"	"	"		
Wallace, H.	1,280	ditto	1 June 1824	Longford Parish	5 Nov. 1823	{ 15 s. per 100 acres }	A	1,280	
Walters, Jeremiah	400	ditto	5 June "	Macquarie District	"	"	"		Resumed.
Watson, J. T.	500	Additional	8 June "	"	"	"	C	500	
Weston, W. P.	2,000	Primary	21 June "	{ Longford and Little Hampton Parishes }	"	"	A	2,000	
Wood, J. B.	1,000	ditto	1 Sept. "	Dysart - ditto	"	"	"	1,000	
Whitehouse, E. jun.	30	ditto	14 Jan. 1825	Strangford ditto	"	"	"		
Warn, John	60	Appar. do.	4 Feb. "	Launceston ditto	"	"	A	60	
Wales, L ^t	1,500	ditto	7 Feb. "	"	"	"	"		Void.
Walker, W. G.	2,000	ditto	7 Feb. "	Little Hampton ditto	"	"	A		
Waddle, Alexander	200	ditto	7 Feb. "	Launceston ditto	"	"	"		
White, Richard	300	Additional	7 Feb. "	Beverley - ditto	"	"	C		
White, Richard	120	ditto	8 Feb. "	Breadalbane ditto	"	"	"	420	Compensation for land.
Wilson, William	2,000	Primary	5 Mar. "	Gibbs - ditto	"	"	A		
Wise, William	500	ditto	27 May "	Beverley - ditto	"	"	"	500	
White, L.	50	Appar. do.	24 Mar. "	River Tamar	"	"	"	50	
Waterson, William	90	Additional	- - -	Cambridge - Parish	"	"	C		
Wilson, W. B.	200	ditto	12 May "	Hamilton - ditto	"	"	"		
White, James	30	ditto	1 June "	Unlocated	"	"	"	30	
Waddle, M ^t	60	Appar. do.	1 June "	Launceston District	"	"	A	60	
Whittingham, R.	40	ditto	1 June "	Beverley - Parish	"	"	"	40	
Wise, William	500	Reserve	1 June "	ditto - ditto	"	"	"		
Watson, William	700	ditto	11 June "	Ralph's Bay - ditto	"	"	"	700	
Waddingham, Rob ^t	200	Appar. do.	16 July "	Launceston District	"	"	"		
Walters, B.	30	ditto	21 June "	Breadalbane Parish	"	"	"	30	
Welsh, James	30	ditto	6 Sept. "	Unlocated	"	"	"	30	
Ward, B ^d	30	ditto	6 Sept. "	ditto	"	"	"	30	
Wood, John	80	ditto	6 Sept. "	Sorell - Parish	"	"	"	80	
Walpole, E. A.	300	Primary	14 Oct. "	Canning - ditto	"	"	"		
Williamson, S.	100	ditto	29 Nov. "	Salisbury - ditto	"	"	"	100	
Williamson, R.	100	ditto	16 Dec. "	ditto - ditto	"	"	"	100	
Watchorn, W.	300	ditto	6 Jan. 1826	Winterton - ditto	1 Jan. 1826	2d. per acre	B	300	
Westley, W.	300	ditto	11 Jan. "	River Ouse	"	"	"	300	
Wright, Thomas	1,000	Additional	24 Jan. "	Milton - Parish	5 Nov. 1823	{ 15 s. per 100 acres }	C	1,000	
Whitcombe, George	500	Primary	18 Feb. "	Bathurst - ditto	1 Jan. 1826	2d. per acre	B	500	
Willis, Richard	2,000	Additional	3 April "	ditto & Campbellton do.	"	"	C	2,000	
Wilkinson, Henry	400	ditto	28 Feb. "	Longford - ditto	"	"	"	400	- - Compensation for land free of restrictions.
Williams, D.	80	ditto	11 July "	Launceston District	"	"	"		- - Reward for services against the Aborigines, to bear date 1823.
Wedge, J. H.	500	ditto	5 Aug. "	Chichester - Parish	"	"	"		
Wise, John	150	Primary	22 Dec. "	Cornwallis - ditto	{ Prior to Nov. 1823 }	{ 2 s. per 100 acres }	A	150	
Worthy, George	320	ditto	20 Jan. 1827	Melville - ditto	Jan. 1826	2d. per acre	B	320	
Webber, Robert	1,000	ditto	21 June "	Oyster Bay	"	"	"	1,000	Special conditions.
Wilson, T. B.	1,000	ditto	22 Aug. "	Cadbury - Parish	{ Prior to Nov. 1823 }	{ 2 s. per 100 acres }	A	1,000	
Wesleyan Mission	300	ditto	29 Sept. "	Brisbane - ditto	Jan. 1826	2d. per acre	B		- - In aid of a Sunday School free of restric- tions.
Wright, Robert	30	ditto	22 Apr. 1828	Ralph's Bay ditto	"	"	"		Special conditions.
Wilson, Thomas	1,280	ditto	7 June "	Longford - ditto	"	"	"	1,280	
Whitehouse, E. jun.	25	Additional	12 June "	Strangford ditto	"	"	C		
Welsh, Mary Jane	500	Primary	3 Sept. "	River Tamar	"	"	B	500	
Wright, Robert	30	Additional	9 Oct. "	Ralph's Bay Parish	"	"	C	60	
Wells, Thomas	50	ditto	11 Dec. "	Unlocated	"	"	"	50	Residence imposed.

(continued.)

RETURN of all LOCATIONS authorized during the Administration of Lieutenant-Governor George Arthur—continued.

NAMES.	No. of Acres.	Primary, Additional or Reserved.	Date of Order.	Situation.	Conditions.	Quit Rent.	When commencing.	Total to each Individual.	REMARKS.
Wray, George	1,000	Primary	19 Feb. 1829	{Staffa and Ormaig Parishes -	Regulations of— Jan. 1826	2 d. per acre	B	1,000	Residence imposed.
Walker, John	300	Additional	24 Mar. "	Canning - Parish	"	"	C		
Watts, John	320	ditto	27 Mar. "	Somerton - ditto	"	"	"	320	
Wilson, J. T.	320	Primary	31 Mar. "	Unlocated -	"	"	B	320	ditto - ditto.
Waltham, James	100	Additional	10 Apr. "	Huntingdon - Parish	"	"	C	100	ditto - ditto.
Wilson, Mrs. A.	250	ditto	15 May "	Ormaig - ditto	"	"	"	250	
Walker, W. G.	1,000	ditto	26 May "	Little Hampton - ditto	"	"	"		
Wood, Pk	1,000	ditto	15 June "	Vincent - ditto	"	"	"	1,000	
Waddingham, R.	250	{Appar. Additional}	16 July "	Launceston - ditto	"	"	"	450	
Wade, Catherine	500	Additional	22 Aug. "	Prosser's Plains	"	"	"	500	
Wilkinson, Thomas	1,000	ditto	24 Aug. "	Yarlington Parish	"	"	"	1,000	
Weevis, John	100	Primary	10 Sept. "	Unlocated -	"	"	B	100	
Waterson, William	170	Additional	6 Oct. "	Cambridge Parish	"	"	C	260	
Warman, C. M.	1,000	Primary	10 Oct. "	Break-o'-day River	"	"	B	1,000	
Wesleyan Mission	2,000	Additional	22 Oct. "	Tierney Parish	"	"	C	2,300	
Walker, John	2,560	Primary	14 Nov. "	Eastern Marshes	"	{Free for 7 years}	B	2,560	
Wood, William	2,560	ditto	14 Nov. "	Port Sorell -	"	None -	"		
Wood, J.	640	ditto	10 Dec. "	Abercromby - Parish	"	2 d. per acre	"	640	ditto - ditto.
Wedge, E. D.	1,000	Additional	9 Dec. "	Beverley - ditto	"	"	C	1,000	
Waddle, A.	300	ditto	16 Dec. "	Launceston - ditto	"	"	"	500	
Walford, B.	1,200	ditto	31 Dec. "	Trumpeter Bay	"	"	"	1,200	
Wales, A.	640	{Appar. Additional}	29 Dec. "	River Tamar	"	"	"	640	ditto - ditto.
Williams, D.	320	ditto	26 Jan. 1830	Unlocated -	"	"	"	400	ditto - ditto.
Wedge, J. H.	560	Additional	30 Mar. "	George's River	"	"	"	1,060	
Wilson, William	1,500	ditto	24 May "	Pakenham - Parish	"	"	"	3,500	
Walton, Joseph	150	Primary	2 June "	New Norfolk - ditto	"	"	B	150	
Walton, Thomas	150	ditto	2 June "	ditto - ditto	"	"	"	150	
Wilcock, Charles	1,280	ditto	1 July "	Orielton Rivulet	"	"	"	1,280	ditto - ditto.
Watson, Thomas	1,280	ditto	27 July "	Moulting Bay	"	"	"	1,280	
Wickham, F. D.	1,000	ditto	13 Jan. 1831	{Campbelton and Salisbury Parishes}	"	"	"	1,000	
Walker, W. G.	1,000	Additional	1 Feb. "	Carriick Parish	"	"	C	4,000	Overseer enjoined.
Williams, John	20	Primary	12 Feb. "	George Town District	"	"	B	20	
Wilson, George	1,500	ditto	25 Feb. "	Bath - ditto	"	"	"	1,500	Residence imposed.
Wise, D.	320	ditto	4 Mar. "	Queenboro' Parish	"	"	"	320	ditto - ditto.
Wales, Robert	640	Additional	10 Mar. "	Cimitiere Plains	"	"	C	640	ditto - ditto.
Williamson, James	1,000	Primary	25 Mar. "	Esperance Bay	"	"	B	1,000	ditto - ditto.
Walker, John	200	Additional	11 Apr. "	Canning Parish	"	"	C	500	
Whittle, William	1,000	Primary	27 Apr. "	Morven District	"	"	B	1,000	ditto - ditto.
Wilson, W. B.	247	Additional	21 May "	Hamilton - Parish	"	"	C	447	
Westwood, Edward	110	ditto	25 May "	Melville - ditto	"	"	"	110	
Weeding, James	500	ditto	25 May "	Oatlands - ditto	"	"	"	500	
Whitehouse, Edw.	320	ditto	31 May "	Strangford - ditto	"	"	"	375	
Watson, George	1,000	Primary	31 May "	Peel - ditto	"	"	B	1,000	Special conditions.
Walpole, E. A.	1,000	Additional	8 June "	Prosser's River	"	"	C	1,300	- - Residence imposed for five years.
Wills, William	1,000	Primary	10 June "	Campbelton Parish	"	"	B	1,000	Special conditions.
Wilson, John	1,280	ditto	27 June "	Bath District	"	"	"	1,280	ditto - ditto.
Watson, George	1,560	Additional	11 Nov. "	Peel Parish	"	"	C	2,560	
Welsh, P. W.	1,000	Primary	11 Nov. "	River Meander	"	"	B	1,000	
Wood, William	1,000	Additional	11 Nov. "	Eskdale Parish	"	"	C		
Williams, J. T.	500	Primary	22 Dec. "	{Adjoining George Town -}	"	"	"	500	Residence imposed.
Wood, William	1,000	In extension	27 Mar. 1833	Eskdale Parish	"	"	"	4,560	
Ward, William	400	Primary	8 July "	{Great Swan Port District -}	"	"	B	400	
Wellard, Em ^l	500	ditto	19 Aug. "	Sligo Parish	"	"	"	500	
Willis, R., jun.	300	Additional	31 Aug. "	Unlocated -	"	"	C	-	- - Compensation for losses.
Willis, R. H.	1,000	Reserve	24 Sept. 1828	{Cleveland & Campbelton Parishes -}	5 Nov. 1823	{15 s. per 100 acres}	B	1,300	
Young, John	700	Primary	7 Oct. 1824	Guilford Parish	"	"	A		
Young, John	100	ditto	4 Feb. 1825	Launceston District	"	"	"	100	
Young, William	2,000	ditto	12 Nov. "	Ramsbury - Parish	"	"	"		
Youl, J. A.	500	ditto	7 Feb. 1826	Eskdale - ditto	1 Jan. 1826	2 d. per acre	B	500	
Young, W. (for son)	500	ditto	19 Apr. 1827	- - -	"	"	"	500	
Young, Thomas	640	ditto	26 Mar. 1828	River Tamar	"	"	"	640	Residence imposed.
Young, John	500	Additional	13 Apr. 1829	Guilford - Parish	"	"	C		
Young, William	700	ditto	27 May "	Ramsbury - ditto	"	"	"	2,700	
Young, William	1,280	Primary	18 Dec. "	Brune Island -	"	"	B	1,280	
Yates, Jane	320	Additional	27 Apr. 1830	Launceston - Parish	"	"	C	320	
Young, John	50	ditto	16 June "	Guilford - ditto	"	"	"	1,250	
Yeoland, George	2,560	Primary	18 June "	Deddington - ditto	{Military regulations -}	free -	D	2,560	
Youl, Jane	1,000	ditto	11 Nov. "	Eskdale - ditto	Jan. 1826	2 d. per acre	B	1,000	
Young, Thomas	500	ditto	7 Feb. "	Eastern Marshes	"	"	"	1,000	- - In lieu of 500, 7 Jan. 1826.

SUMMARY.

TOTAL Number of Acres under Letter A	-	-	-	-	-	50,800
Ditto - - - ditto - - - B	-	-	-	-	-	129,561 $\frac{1}{2}$
Ditto - - - ditto - - - C	-	-	-	-	-	65,687
Ditto - - - ditto - - - D	-	-	-	-	-	44,520
Ditto - - - ditto - - - E	-	-	-	-	-	8,470
Ditto - - - ditto - - - F	-	-	-	-	-	43,590
Ditto - - - ditto - - - G	-	-	-	-	-	75,160
Ditto - - - ditto - - - H	-	-	-	-	-	66,235
Ditto - - - ditto - - - I	-	-	-	-	-	} 15,570
Ditto - - - ditto - - - J	-	-	-	-	-	
Ditto - - - ditto - - - K	-	-	-	-	-	16,920
Ditto - - - ditto - - - L	-	-	-	-	-	45,060
Ditto - - - ditto - - - M	-	-	-	-	-	108,950
Ditto - - - ditto - - - N	-	-	-	-	-	10,490
Ditto - - - ditto - - - O	-	-	-	-	-	15,070
Ditto - - - ditto - - - P	-	-	-	-	-	52,145
Ditto - - - ditto - - - Q	-	-	-	-	-	300
Ditto - - - ditto - - - R	-	-	-	-	-	53,730
Ditto - - - ditto - - - S	-	-	-	-	-	81,772
Ditto - - - ditto - - - T	-	-	-	-	-	68,820
Ditto - - - ditto - - - U	-	-	-	-	-	1,140
Ditto - - - ditto - - - V	-	-	-	-	-	8,180
Ditto - - - ditto - - - W	-	-	-	-	-	64,642
Ditto - - - ditto - - - Y	-	-	-	-	-	11,350
TOTAL Number of Acres - - - -						1,039,092 $\frac{1}{2}$

In addition to the above Total, the following Quantity of Land has been located to }
discharged Soldiers, viz. - - - - - } - 8,430 Acres.

(signed) George Frankland, Surveyor-General.

CROWN LANDS (VAN DIEMEN'S LAND.)

RETURNS of all SALES of LANDS from
31 December 1823 to 1 January 1834; also,
of all GRANTS or Appropriations of CROWN
LANDS, without purchase, between 31 December
1823 and 1 January 1834.

(In continuation of Paper presented 27 March 1835, No. 92.)

(Mr. Hume.)

Ordered by The House of Commons, to be Printed,
28 July 1836.

B33

COLONIAL GOVERNMENTS.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 29 July 1836;—for,

COPIES of any CIRCULAR DESPATCHES addressed to the Governors of His Majesty's Colonial Possessions in the Month of May 1828, regulating the DURATION of GOVERNMENTS.

Colonial Department, }
Downing-street, }
4 Aug. 1836. }

G. GREY.

— No. 1. —

CIRCULAR addressed by Mr. Secretary *Huskisson* to the Lieutenant-Governor of Malta, the Lord High Commissioner of the Ionian Islands, and the Governor of the Cape of Good Hope.

Sir,

Downing-street, 1 May 1828.

I HAVE the honour to acquaint you that it has appeared to His Majesty's Government to be expedient that the Governors of the Colonial Possessions of the Crown should fall under the same rule of restriction in respect to the duration of service which prevails in the Indian Governments, and with respect to various other public functionaries.

It is intended, therefore, that it shall for the future be understood that, at the expiration of six years, a Governor of a Colony shall, as a matter of course, retire from his Government, unless there should be some special reasons for retaining him there; and that the way should thus be opened for the employment of others who may have claims to the notice of His Majesty's Government.

In following up this system, you will perceive that I cannot hold out to you the expectation that it will be in my power to recommend that you should be continued in the Government of Malta beyond the period which I have mentioned.

I am, &c.

(signed) *W. Huskisson.*

— No. 2. —

CIRCULAR addressed by Secretary Sir *George Murray* to the Governor of New South Wales, the Lieutenant-Governor of Van Diemen's Land, and the Governor of Ceylon.

Sir,

Downing-street, 31 May 1828.

I HAVE the honour to acquaint you that it has appeared to His Majesty's Government to be expedient that the Governors of the Colonial Possessions of the Crown should fall under the same rule of restriction in respect to the duration of service which prevails in the Indian Governments, and with respect to various public functionaries.

It is intended, therefore, that it shall for the future be understood that, at the expiration of six years, a Governor of a Colony shall, as a matter of course, retire from his Government, unless there should be some special reasons for retaining him there; and that the way should thus be opened for the employment of others who may have claims to the notice of His Majesty's Government.

In following up this system, you will have the goodness to understand that, at the period which I have mentioned, you will be liable to receive His Majesty's commands for delivering up your Government to the person who may be appointed by His Majesty to succeed you.

The chance of your remaining in the Government of . . . after that period must depend upon circumstances, in respect to which it is impossible to anticipate the decision of His Majesty's Government.

I have, &c.

(signed) *G. Murray.*

COLONIAL GOVERNMENTS.

CIRCULAR DESPATCHES addressed to the GOVERNORS
of Colonial Possessions, regulating the DURATION
of GOVERNMENTS.

(*Mr. Morgan John O'Connell.*)

Ordered, by The House of Commons, to be Printed,
5 August 1836.

